

ABBREVIATIONS  
(Publications)

*Ah* = *Aṣṭāṅgahṛdayasamhitā*, ed. Hariśāstri Parādkar, Varanasi 1982, reprint.

*CBP* = *Canon bouddhique pāli*, texte et traduction, *Suttapiṭaka*, *Dīghanikāya*, par Jules Bloch, Jean Filliozat, Louis Renou, Tome I, Fascicule I, Paris 1949. (Based on the Cambodian ed., compared with the PTS and Burmese eds.).

*Car* = *Carakasamhitā*, ed. P.V. Sharma, 2 Vols., Varanasi 1981, 1983.

*DB* = *Dialogues of the Buddha*, Tr. T.W. and C.A.F Rhys Davids, Pt.I, London 1989 (SBB Vol.II).

*DN* = *The Dīgha Nikāya*, Vol.I, PTS 1890.

*Sv* = *The Sūmaṅgalavilāśinī*, *Buddhaghosa's commentary on the Dīgha Nikāya*, Pt. I, PTS 1886.

*Suśr* = *Suśrutasamhitā*, ed. Jādavji Trikmaji Ācārya and Nārāyan Rām Ācārya, 2 Vols., Bombay 1938; K.L. Bhishagratna, Tr. *Suśrutasamhitā*, 3 Vols., 3rd ed., Varanasi 1981.

*Vśs* = *Vaidyakaśabdāśindhu*, ed. Umeśacandra Gupta, 3rd reprint, Varanasi 1983.

(General)

*Ci* = Cikitsāsthāna

*S.* = Sinhala

*Si* = Siddhīsthāna

*Sū* = Sūtrasthāna

*Ut* = Uttarasthāna

## Studies in Vinaya technical terms I-III

These are intended to be the first three of a series of "microographies", the purpose of which is to bring together and sort out the relevant Pā. data about a given term occurring in Vin, Kkh, Sp, and in secondary literature. "Vinaya technical term" is taken here in a broad sense, including, on the one hand, what are *stricto sensu* non-technical terms, such as those designating, or referring to, *realia* dealt with in Vinaya rules — e.g., *cīvara*; on the other hand, technical terms shared both by Vinaya texts and by other Indian legal literature — as exemplified recently by Schopen, Business. Sub-commentaries and compendia (Vjb, Vin-vn, Utt-vn, Khuddas, Mūla-s, and, when eventually available to me, Sp-t, Vmv, Kkh-t) will be resorted to only when deemed helpful. BHS and Skt. parallels are not meant to be exhaustive, but to provide a convenient set of references for further comparisons with the Pā. data; except when required by the complexity of the data involved, they will not be discussed *per se*, but only insofar as they help us to understand the form, meaning(s), or range of application of a Pā. term. Chin. and Tib. data — derived from secondary literature in European languages — will be resorted to only exceptionally.

The application of Thv(M) prescriptions to *both* monks and nuns will be mentioned only where and when explicitly stated in a text, so as to reflect the relative scarcity of data concerning nuns, and above all to avoid unwarranted extrapolations from the *Bhikkhu-* to the *Bhikkhunī-vinaya* on the excuse that the latter is a truncated version of the former, from which full details about the organisation of former nuns' communities could allegedly be retrieved safely *ex silentio*.

Skt. references are according to school, in the following order: Sa, Mū, Mā, Dha, then — should the occasion arise — Mi, any others, and unidentified schools; texts belonging to one and the same school are

referred to in alphabetical order. The same conventions apply, in theory, to BHS references, for which the only texts available so far belong to the Mā-L school.

Abbreviations follow those of the Epilegomena to CPD, of CPD III.1 (p. II-VI), and of H. Bechert, *Abkürzungsverzeichnis zur buddhistischen Literatur in Indien und Südostasien*, Göttingen, 1990, with some additions listed at the end of this paper. It should be noted that GBM(FacEd) X.1 is quoted here, for the mere sake of practicality, according to the editors' number of page, then, within brackets, editors' number in right margin, together with line; GBM(FacEd) X.6 is quoted according to editors' number in right margin, then, within brackets, editors' number in left margin, together with line; necessary corrections to this faulty numbering are found in Wille, MSV 21-23, 154-165.

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### I. *Samgha-kamma*, “procedure”

0. Buddhist *Vinaya* texts, the purpose of which is to codify discipline and proceedings within monastic communities, set forth four types of procedures, by which various agreements, decisions or actions are to be officially and legally sanctioned. Their object may be either administrative (e.g., appointment of monks as office-bearers), ritual (e.g., ordination;

performance of the fortnightly rehearsal of monastic rules), or disciplinary (settling formal disputes)<sup>1</sup>.

The relevant Pā. data about the technical terminology of procedures occur at Vin I 315,21-321,28 with Sp 1146,5-1147,30; Vin IV 152,9-12' with Kkh 131,21-134,18; Vin V 220,2-223,3 with Sp 1395,16-1412,17; Sp 1195,1-30 (ad Vin II 93,14-17). Their interpretation, and that of BHS and Skt. parallels as well, is most aptly dealt with in the following works, where fully detailed discussions are to be found: KaVā 1-16; v.Hi., Recht u. Phonetik (English transl.: v.Hi., SP 198-232); HH, Po-v 199-209; for further Pā. materials, see CPD s.v. *kamma* and foll. (forthcoming). For a summary of Chin. data, with references, see Frauwallner, Vinaya 105-107.

1. The validity of a procedure depends on the relevance of the case (*vatthu*); on the explicit mention during its performance, by the monk/nun acting as chairman, of the chapter (*saṅgha*) and of the person(s) to whom the procedure applies; on the relevance, right number, and full performance with flawless pronunciation<sup>2</sup> of its successive steps (*ñatti* and *anu-ssāvanā*; see below §§ 4-5) in the right order; on the attendance, whether in person (*sammukhī-bhūta*) or by proxy (*chandāraha*), of all the monks/nuns concerned<sup>3</sup>, i.e., free from any unredressed offence,

<sup>1</sup> With the exception of the *saṅghādisesa* class of offences, disciplinary procedures apply only indirectly to the offences listed in the Pātim. code of discipline (cf. below, § 3 d and n. 23, and SVTT III).

<sup>2</sup> See v.Hi., Recht u. Phonetik (English transl.: v.Hi., SP 198-232), with full translation of Sp 1399,3-1400,36, detailed commentary, and further references.

<sup>3</sup> *kammappatta*, “fit [to act] in a procedure” (Vin I 318,10-11 sqq. with Sp 1146,28-30; II 93,34-38 with Sp 1197,11-14; V 221,16; cf. Sp 242,29, 1333,18, 1402,2-5), as opposed to *kammāraha*, “liable to a procedure”, always in gen. case when followed by *kamman karoti* (see v.Hi., Kasussyntax § 242): Vin IV 37,26 = 126,33 [misprinted Kkh 124,29 as *kammārabhassa*] = 152,19 = 153,29 (*na kammārahassa vā kamman karissati*, instead of which UpāliPr(SR)

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belonging to one and the same community, and actually present within one and the same, large enough, clearly defined monastic boundary (*sīmā*)<sup>4</sup>; on the right quorum of monks/nuns in the assembly (*parīṣā*), and absence of any objection during the proceedings<sup>5</sup>. A procedure that fails to meet any of these conditions is said to be of “mock validity” (*dhamma-paṭirūpaka*). Further details occur, from a slightly different point of view, in the account of the first rule for the settlement of disputes (see SVTT II, § 2 a and n. 30).

consistently has “weil etwas, das kein Beschluss ist, zum Beschluss erklärt wird”); V 221,32-34 with Sp 1402,10-12; Kkh 46,21-22 = Sp 611,18-19 ad Vin III 175,15\*\*, especially relevant here: *tinnam uddham kammārahā na honti na hi samgho samghassa kammām karoti*: “when more than three, [those who plan to split the Order] are not liable to a procedure: a chapter does not indeed carry out a procedure against a chapter [i.e., four monks; see below, § 2]”. *Kammāraha* therefore designates the object (vatthu) of a procedure (disciplinary or otherwise: cf. *upasampadāraha*, “fit to be ordained”, Vin I 327,15 sq.) as is made clear by Sp 1402,10-12 *yasmā tam puggalam vatthum katvā samgho kammām karoti, tasmā kammāraho ti vuccati* (cf. 1156,26-28, 1346,20-22).

Some confusion arises from the fact that *kammāraha* does indeed occur as a syn. of *kammappatta* — by analogy with *chandāraha*, “fit [to act in a procedure] by proxy”? — in Sp's stereotyped gloss of the latter: *kammappatto ti kammām patto kammayutto kammāraha*, where it means “entitled to [act in] a procedure” (Sp 1146,28-30, 1402,2-5, etc.), unlike Vjb (B<sup>6</sup> 1960) 537,16-17 *kammappattāyo pīti kammārahā ti* where, conversely, *kammappatta* does seem to assume the sense of *kammāraha* “liable to a procedure” (see SVTT II n. 10).

<sup>4</sup> Each of two distinct communities may perform separate, valid procedures within the same boundary (Vin I 340,11-30); for full details about the importance of *sīmā* in the present context, see KP, Simā 119-123, 136-143, 286-290, 385 n. 65.

<sup>5</sup> During the session, one may protest with such mildness as suits the number and aggressiveness of one's opponents (Vin I 114,33-115,11 with Sp 1059,20-23). Once it is over, its contestation gives rise to a “formal dispute about the duties” of the Order (*kiccādhikarāna*; see SVTT II § 1d, 2e, and n. 6).

No one may criticize a valid procedure in which he/she took part by proxy (thereby agreeing *ipso facto* to whatever decision is reached)<sup>6</sup>. Neither may one leave the chapter with no serious reason while deliberations are going on, unless one consents expressly to whatever decision will be reached<sup>7</sup>.

2. The smallest quorum of monks/nuns entitled to act as a regular, complete chapter (*saṃagga-saṃgha*) is four; this chapter may perform all procedures except those involved in ordination (*upa-saṃpadā*), Invitation (*pavāraṇa*), and re-admission (*abbhāna*). A chapter of five or more may proceed to Invitation, and to ordination in border countries; ten or more may grant ordination in any country; twenty or more may perform any procedure, including re-admission (cf. SVTT III, § 6). When the smallest quorum acts as a regular chapter, participation by proxy is not valid<sup>8</sup>. No incomplete chapter may carry out a procedure with the expectation of later securing the sanction (*anumati-kappa*) of

<sup>6</sup> Thv(M) Pāc. n°79 [bhu], Vin IV 151,17 sq. with Kkh 131,21 sq.; n°157 [bhi]. — Cf. UpāliPr(SR) 79, n°55. — Conc.: BhiPr 58, table IV.1 s.v. *chandapratyuddhārah*.

<sup>7</sup> Thv(M) Pāc. n°80 [bhu], Vin IV 152,24 sq. with Kkh 134,30-135,9, Sp 879,28-880,2 (ChinSp 483 [61]); n°158 [bhi]. — Cf. UpāliPr(SR) 87-88, n°79. — Conc.: BhiPr 59, table IV.1 s.v. *tūṣṇīm viprakramanam*.

<sup>8</sup> Vin V 221,31-38 with Sp 1402,1-9, where *catu-*<sup>o</sup>, *pañca-*<sup>o</sup>, *dasa-*<sup>o</sup>, *vīsatī-vagga-karāna kamma* does not mean “a formal act [...] carried out by an incomplete [vagga < Skt. *vyagra*] fourfold [etc.] assembly” (BD IV 362), but “a procedure whose performance involves a fourfold chapter”, etc.: when not contrasted with *saṃagga*, “complete”, *vagga* simply means “group” (< Skt. *varga*), as in Vin I 319,24 sq. *catuvagga bhikkhu-saṃgha*, “a fourfold monks' chapter” (see BD IV 458). *Gāna* “chapter” occurs at Vin I 74,10; BhiVin(Mā-L) 236,27', 241,25', 242,13'.

those missing<sup>9</sup>. All participants should be fully ordained, and free from any unredressed offence against the monastic rules. Persons not entitled to help make up a quorum (*gāṇa-pūraka*) are: the monk(s)/nun(s) to whom the procedure applies (in such a case, the smallest number of participants, including the smallest regular chapter, is therefore resp. five, six, eleven, twenty-one persons), those staying outside the fixed boundary, and nuns (in a monks' chapter)<sup>10</sup>.

Although monks may indicate to nuns how procedures relating to the latter should be carried out, nuns are to officiate all by themselves in their own chapter<sup>11</sup>.

3. The generic term for “procedure”, occurring *passim* in all *Vinaya* texts, is Pā. *saṅgha-kamma*, n., BHS and Skt. *saṅgha-karma(n)*, n., “(official) act of the chapter”, often shortened as *kamma* / *karma*.

The four formal types of procedures are *apalokaṇā-*°, *ñatti-*°, *ñatti-dutiya-*°, *ñatti-catuṭṭha-kamma*; only the latter two require a vote.

With one exception (see below, § 3 a), the type of procedure applying to a given purpose may not be changed for any other.

<sup>9</sup> Vin II 301,1-3. This is one of the ten controversial practices said to have been condemned in Vesāli before a compilation (*saṅgīti*) of the Vinaya took place there (Chin. parallels: Hofinger, Concile 22-23, 66-73, 127, 132, 134-135; cf. SVTT II, § 2 b.ii).

<sup>10</sup> The only explicit mention of a procedure carried out by a chapter of monks with a nun attending seems to be that of ordination of a (female) probationer by proxy (Vin II 277,20-278,9).

<sup>11</sup> About non-disciplinary procedures see, e.g., Vin II 259,26-31, 273,19-34, 275,23-35; about disciplinary ones, see Vin II 260,17-261,17 (cf. SVTT II n. 10).

As to the application of each of these types of procedure, Vin V 222,22-37, KKh 131,32-134,4, and Sp 1402,18-1412,12, make a distinction between those whose purpose is designated by some generic term — expulsion, boycott, reintegration, formal agreement to some appointment, postponement of a ceremony, distribution of extra requisites, acknowledgement of another monk's/nun's confession, formal admonition of a misbehaving monk/nun, etc. — and those that bear no specific name, being simply “qualified by [the generic name of] the procedure [involved]” (*kamma-lakkhana*)<sup>12</sup>.

<sup>12</sup> *Tassa hi kammañ ñeva lakkhanam, na osāraṇādīni, tasmā kamma-lakkhanam ti vuccati* (Sp 1404,16-17 ≠ KKh 132,10-12). *Osāraṇa-nissāraṇa-bhaṇḍukammādayo viya kammañ ca hutvā aññāñ ca nāmam na labhati. Kammam eva hutvā upalakkhiyatīti kamma-lakkhanam upanissayo viya. Hetupaccayādi-lakkhanavimutto hi sabbo paccaya-viseso tattha saṅgayhati. Evam pi kamma-lakkhanam evā ti vuttam. Kamma-lakkhanam dassetum acchinnačīvara-jinnačīvara-natthacīvaraṇan* [Sp 1405,19] *ti ādi vuttam. Tato atirekañ dentena apaloketvā dātabban* [Sp 1405,24-25] *ti vuttam apalokanam kamma-lakkhanam eva. Evam sabbattha lakkhanam veditabbam.* “Like reintegration, expulsion, shaving the beard [of a candidate for ordination], etc., [such an official act] consists in a procedure, but bears no name apart [from the generic name of the latter]. When it is qualified simply as consisting in [this or that] procedure, the qualification by the [generic name of the] procedure is comparable to [that of] sufficing condition, which includes any sort of condition that is not qualified as a fundamental condition. In the same way, one speaks of qualification by the [generic name of the] procedure. As an illustration of the latter, cases such as those when garments are stolen, worn out, or lost, are mentioned. The formal consultation mentioned by the words “extra [trifles] should be distributed by a formal consultation” is qualified simply as a procedure [of formal consultation]. Thus should the qualification be understood in all cases” (Vjb B<sup>e</sup> 1960 579,24-580,6 ad Sp 1404,16 sq.). The itemized classification of the objects to which these procedures apply differs according to school (see Hirakawa, ChinBhīVin(Mā) 30-31).

**3 a.** An *apalokanā*, n.f., “[formal] consultation [of the chapter]”, consists in a threefold request of the chapter’s approval<sup>13</sup> for the following acts: temporary expulsion, then reintegration, of novices, shaving of the hair and beard of a candidate to noviciate, boycott of disrespectful monks by nuns.

Formal consultation with no specific name applies, e.g., to the boycott of lewd monks by nuns; to the supply of clothes to those who lost them, or of food to those unable to go on alms-tour; to the distribution to monks/nuns of extra medicines, trifles, crops grown on the monastery’s grounds, or of food as wages to servants and intendants; to the allotment of deposits to repairs within the monastery<sup>14</sup>.

Formal consultation is valid as an alternative to a twofold procedure (see below, § 3 c) only in minor proceedings, e.g., turning a building into a storage place, or appointing a monk/nun to some office (Sp 1098,7-8, 1121,8-11, 1396,3-8 ≠ 1195,18-24).

**BHS** *an-avalokayitvā*: BhīVin(Mā-L) 144,8\*\* sqq., 282,12,16\*\* sqq.

*avalokanā*, f. (also as *avalokanā-karma*): BhīVin(Mā-L) 98,7, 144,17, 145,1, 151,26, 157,28, 161,7, 282,22', 284,1 sq.

<sup>13</sup> The typical formula to be uttered thrice by the chairman (on the latter, see below, § 6) is: “Venerables, I ask the chapter [about this or that decision]; does the chapter approve (*ruccati samghassa*)?” (see, e.g., Sp 1402,29-35). The chapter’s consent is not expressed. The Mā-L typical formula occurs at BhīVin(Mā-L) 145,1-9, 282,22-26’ (cf. Nolot, Règles 378-379). On Pā. *apa-*/BHS, Skt. *ava-*, see v.Hi., Schriftlichkeit 50-51 and n. 108; v.Hi., Mündlichkeit 25.

<sup>14</sup> As *kamma-lakkhana*, formal consultation is the procedure by which various monastic arrangements (*katikā*) are reached (Kkh 132,15-17 [spelled *kathikā*]; Sp 1138,13-21; see CPD s.v. *katika-vatta*, *katikā*; Katk(R) 6). Cf. SVTT III, second part of n. 48.

No Skt. parallel has been traced so far (see HH, Po-v 206 n. 3).

**3 b.** A *ñatti-kamma*, “procedure consisting in a motion (*ñatti*, see below, § 4)” — or, perhaps better, “resolution<sup>15</sup> as the very motion” — is a single request for the chapter’s approval<sup>16</sup>.

It applies to the introduction into the chapter of a candidate for ordination, or to formal agreement as to his/her preliminary interrogation; to barring an unskilled monk from participation in a committee (see SVTT II, § 2 b.ii); to the decision either to proceed to or to postpone the ceremonies of Observance and Invitation; to the return to a monk/nun of something which had first to be forfeited formally because unduly acquired; to formal acceptance by the chapter of the confession of an offence by a monk/nun.

A *ñatti-kamma* with no specific name applies to the decision to proceed to the settlement of a formal dispute by covering it up (see SVTT II, § 2d.ii).

<sup>15</sup> With *kamma* short for *kamma-vācā*, “legal proposition together with final resolution” (see below, § 5). As “performance of the motion”, *ñatti-kamma* denotes the first stage of a larger procedure (the term occurs in this latter sense at Kkh 196,29 [*ad Vin IV 317,27*]; in a formally identical context, Kkh 46,17-18 [*ad Vin III 174,9*] has *ñatti-pariyosāna*, “completion of the motion”).

<sup>16</sup> The typical Pā. formula is: “Venerables, let the chapter listen to me [: this is the case in point]; if it seems right to the chapter, [let this or that be done about it]” (see, e.g., Sp 1409,26 sq.). The motion is referred to only in the sentence (sometimes missing altogether, e.g., at Vin III 196,31-34 = Sp 1410,20-23) introducing the procedure: *saṃgho ñāpetabbo*, “the chapter should be informed [as follows]”. As is the case with the procedure of formal consultation, the chapter’s final consent is not expressed. Unlike the Thv(M) Vin, Skt. Mū. texts regularly mark the end of the procedure by the words *eṣā jñaptih*, “this is the motion”.

No BHS parallel has been traced so far.

**Skt.** *jñapti*, short for *jñapti-karman*: (Mu) Adhik-v 72,1, 75,21, 77,6 sq., 78,28, 107,21 (footnote)<sup>17</sup>; HH, Po-v § 31.1 (= MSV(D) IV 82,8), § 49.2 (= KP, Simā 413 ≠ MSV(D) IV 90,6); KC, Kath-v 54,25 sq. (= MSV(D) II 155,14 sq.); MSV(D) II 178,12.

*jñapti-karman*: (Mū) MSV(D) II 101,16, 206,19 sq., III 7,11 (*jñāpti-k°* Mvy(M) 266.2) — cf. HH, Po-v 206-207.

*muktikā jñapti*, f., “isolated motion”<sup>18</sup>: (Mū) BhiKaVā(S)<sup>19</sup> 252,17; Upj 13,7, 17,15; Wille, MSV 148 (GBM 2.145, r°2) (Mvy(M) 266.1 *m° jñapti*).

<sup>17</sup> Adhik-v 72,1, 75,21, 78,28 *kriyājñapti* should be read *kriyā j°*; the sentence *yā samghasya kriyā jñapti jñapti-dvitīyam jñapti-caturtham* is paralleled by Vin II 89,2, 93,14-15 *yā samghassa kiccyatā karanīyatā apalokana-kammam* *ñatti-kammam* *ñ°-dutiya-kammam* *ñ°-catuttha-kammam*. Although *kriyā* might be interpreted *prima facie*, on account of its position in the sequence, as short for *kriyā-kāra*, “arrangement” (Pā. *katikā*) and therefore as a metonymic syn. of Pā. *apalokana-kamma* (cf. CPD s.v. *katikā*; (Mū) MSV(D) IV 133,1 sq.; Divy 338,13 sq., reproduced at MSV(D) IV 38,20 sq.; and above, § 3 a), it is in fact parallel to Pā. *kiccyatā karanīyatā*, these three terms being syn. with *karman/kamma*, “procedure” (see HH, Po-v 200-201, 206 n. 3).

<sup>18</sup> A *muktikā jñapti* is equivalent neither to a *ñatti-dutiya-kamma*, (Nolot, Règles 378 n. 9), nor to an *apalokanā-kamma* (v.Hi., Recht u. Phonetik 102-103; English transl.: SP 200 n. 2 [the right refs. to Upj are: 13,7, 17,15]), but to a *ñatti-kamma*: Upj 13,7-10 *muktikā jñapti* (referred to in Guṇ-VinSū(Pravr-v) 11,17 as *jñapti*; concluded and identified by this latter term in KaVā(Mū), 62,10 ≠ Wille, MSV 148 (GBM 2.145, r°2-5) ≠ BhiKaVā(S) 252,17-253,3 (referred to by v.Hi., ib. 103 = SP 200 n. 2, from R/VP's edition in BSOS), correspond to the *ñatti-kamma* set forth at Vin I 94,26-29 ≠ II 272,29-32 (introduced by *saṃgho ñāpetabbo*; cf. above, n. 16); Upj 17,15-18,2 *muktikā jñapti* (referred to in Guṇ-VinSū(Pravr-v) 11,31 as *jñapti*; concluded and identified by this latter term in KaVā(Mū), 64,11) ≠ BhiKaVā(S) 254,30-255,5 (with paraphrastic *jñaptim kṛtvā karmma karttavyam*), 256,20-26, correspond to the *ñatti-kamma* set forth at Vin I 95,10-12 ≠ II 273,13-15.

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**3 c.** A *ñatti-dutiya-kamma* consists of two parts: first a motion (*ñatti*; see below, § 4), then the passing of a resolution (*kamma*, *k°vācā*, see below, § 5) as its second (*dutiya*) part<sup>20</sup>. It applies to the boycott of an offending lay donor's gifts by “turning the alms-bowls upside down” until he makes amends; to formal agreement about the monastery's boundaries, about the exceptional relaxation of rules about clothes or

(Mū) Saṅghabh II 80,1 sqq., 83,19 sq., uses the phrase *meṣakena ājñāpay-*, “to enjoin [a monk and his followers to stop plotting to split a community] by a *meṣaka*”; the same verb occurs at II 80,14 sqq. with *jñapti-caturthena* (see below, § 3 d) as a complement, which led Gnoli to suggest hesitatingly that *meṣaka* might be “in the sense of *muktikā*?” (ib. 80 n. 1). Neither the editor's reading, nor the meaning of the term, nor whether it denotes a procedure, are beyond question: its description contains none of the characteristic features of a procedure, and it never qualifies the word *karman* in this text — although it does in Guṇ-VinSū 26,18: *nājñāpayeyur metha(?)kena karmanā* (editor's question-mark; the only recorded meaning of *methaka*, “quarrel, strife” [see BHSD s.v.] does not seem to make sense here). In any case, it can hardly be the equivalent of a *muktikā jñapti*.

According to Mukherjee, Devadatta 85, the Chin. Mū. (VinVibh) parallel states that monks should “urge” (*bewegen*) the offending monk, before a *jñapti-caturtha* is carried out against him (the closest, fragmentary Skt. parallel is SHT (VI) 181 (1539), corresponding to Saṅghabh II 83,21 sq. [cf. Vin III 176,20'-30']; SHT(V) 67-68 (1075) corresponds to Saṅghabh II 85,1 sq. [cf. VinVibh(R) 71, § 10; Vin III 173,15'-174,8']).

<sup>19</sup> The Mū. origin of BhiKaVā(R/VP), reedited by M. Schmidt [BhiKaVā(S)], has long been known; see now the latter's article “Zur Schulzugehörigkeit einer nepalischen Handschrift der Bhikṣuṇī-Karmavācanā”, *SWTF Beiheft 5* (1994), 156-164.

<sup>20</sup> Sp 242,31 sq., 1195,8-13 gives no grammatical analysis of *ñatti-dutiya-*°, *ñ°-catuttha-kamma*. These cpds. are generally translated: “(procedure) with a motion as its second / fourth part”, which, though supported by (Mū) Guṇ-VinSū(Pravr-v) 5,5-6 *jñapti-caturthena karmanā iti tisro vācanā jñapti-caturthā yasmin karmani tad jñapti-caturtham karma*, does not account for the fixed order — motion first — that is one of the conditions for the validity of the procedure (see above, § 1). HH, Po-v 208-209 suggests to relate *ñ°-d°*, *ñ°-c°* as *tatpuruṣa*-s to *-°kamma*, taken here to mean the final “decision” (see below, § 5), “standing in the ‘second’ / ‘fourth’ place from that of the ‘motion’ (*ñattiyā*)”.

bedding, or about the appointment of monks/nuns as office-bearers; to the distribution of cloth acquired from donors or left by a deceased monk; to the official closing of the period meant for reception of cloth from donors; to the investigation by the chapter of the site of planned individual dwellings before they may be built.

In some cases, this twofold procedure may be replaced by a formal consultation of the chapter (see above, § 3 a).

A *ñatti-dutiya-kamma* with no specific name applies to the third, last set of procedures involved in covering up disputes (see SVTT II, § 2d.ii).

No **BHS** parallel has been traced so far.

**Skt.** *jñapti-dvitiya karman*: (Mū) Adhik-v 72,1-2, 75,21, 77,6 sq., 78,25 sq.; Bendall, Ord. Ritual 376 (B3)<sup>21</sup>; HH, Po-v § 25, § 31.1, § 38.1, § 49.2 (= MSV(D) 80,20, 82,8, 86,5, 90,6); MSV(D) II 178,12, 207,1 sq. (Mvy(M) 266.3 *jñāpti-d°*).

**3 d.** A *ñatti-catuttha-kamma* consists of four parts: first a motion, then the passing of a resolution as its fourth part, after the latter has been put three times to the chapter<sup>22</sup>. It applies to seven penalties<sup>23</sup> which are not formally included in the Patim. code of discipline, but have to be carried out, then cancelled, after decisions and under the supervision of the chapter; to the formal appointment of a monk as exhorter of nuns; to the application and control of the *mānatta* and *parivāsa* penalties (see

<sup>21</sup> One would expect *jñapti-caturtha* *k°*: see *ib.*, B7, and the parallel at BhiKaVā(S) 255,12-256,4.

<sup>22</sup> Cf. above, n. 20.

<sup>23</sup> *tajaniya-°*, threefold *ukkhepaniya-°*, *patisāraṇiya-°*, *nissaya-°*, and *pabbājaniya-kamma*.

SVTT III); to the formal threefold admonition of a monk/nun about to commit a *saṃghādisesa* offence.

A *ñatti-catuttha-kamma* with no specific name applies to ordination, and to rehabilitation after completion of the *mānatta* penalty.

**BHS** *jñapti-caturtha karma*: BhīVin(Mā-L) 42,6, 50,3, 57,7-8, 76,8<sup>24</sup>.

**Skt.** *jñapti-caturtha karman*: (Sa) Filliozat/Kuno, FragmVin 40 (3a5, 3b2), 41-42 (4b1, 4b3), 46 (6b3, 7a4), 47 (7b4); Finot 1911 622 (Ia6). — (Sa?)<sup>25</sup> SHT(V) 59 (1068, Bl.204, r°3). — (Mū) Adhik-v 72,2, 75,21, 78,29, 107,21; BhiKaVā(S) 271,12; Guṇ-VinSū(Pravr-v) 5,5 sq., 12,2; HH, Po-v § 25, § 31.1, § 38.1, § 49.2 (= MSV(D) IV 80,20, 82,8, 86,5-6, 90,6); KaVā(Mū)<sub>2</sub> 72,12-13; MSV(D) II 178,12, 207,3 sq., III 7,11; SHT(V) 68 (1075, r°3) (Mvy(M) 266.4, 270.41 *jñāpti-c°*).

**4.** Procedures 3b, 3c, 3d begin (and 3b ends) with one motion: Pā. *ñatti*, BHS and Skt. *jñapti*, f., during which the chairman first calls the chapter to attention, then states the case and the person(s) concerned, then (except for 3b) calls for a vote; the end of the motion is marked by the words Pā. *esā ñatti* (except for 3b: see above, n. 16), Skt. *esā jñaptih*, "this is the motion", BHS *ovāyikā esā jñaptih*, "this is the appropriate motion"<sup>26</sup>.

<sup>24</sup> This is preceded, to give a further precision, by the epithet *travācika*, "involving three propositions", which occurs on its own at 143,18.

<sup>25</sup> Bl. 206 v°2 of this ms. has the form *pātayamtika*, which seems to be typically Sa. (see v.Hi., Bestimmung 63-66; v.Hi., Oldest Pā.Ms. 22).

<sup>26</sup> In BhīVin(Mā-L), this formula occurs exclusively in connexion with fourfold procedures (25,8-9, 41,4-5, 49,2, 54,2, 56,7, 66,8, 70,26, 143,13, 236,11, 241,6, 244,5-6), whereas PrMoSū(Mā-L) 5,16 connects it with a twofold one. See Roth, BhīVin(Mā-L) § 25 n. 2; Roth, Term. 347-348 (= Roth, IS 88-89). At

BHS *jñapti*, f.: BhīVin(Mā-L) 236,27', 241,25', 242,13' (only iic.).

Skt. *jñapti*, f.: (Sa) Filliozat/Kuno, FragmVin 40 (3b2); Finot 1911 622 (Ia6); KaVā 31 (28.5), 32 (31.6), 33 (34.2), 36 (50.7), 38 (59.4), 39 (62.5), 41 (69.2 [cf. SHT(I) 78 (132)]), 42 (73.5), 45 (91.3), 46 (94.3); VinVibh(R) 71 (end of 12); VP, NF 847,12. — (Mū) Adhik-v 83,15 sq., 85,8 sq., 96,8 sq., 99,14 sq., 106,30 sq.; Bendall, Ord.Ritual 375 (A3, A4); BhīKaVā(S) 254,30, 255,5 sq., 256,20 sq., 258,7 sq.<sup>27</sup>; Guṇ-VinSū 99,8,28, 100,17, 102,30, 105,8; HH, Po-v § 37.1 sqq. (= MSV(D) IV 84,19 sqq.); KP, Sīmā 389, 401); KaVā § 113 (12) = SHT (VI) 136 (1437, v°2); KaVā(Mū)<sub>2</sub> 58,7; KC, Kath-v 52,28 sq., 54,8 (= MSV(D) II 153,8 sq., 155,5); MSV(D) II 101,15, 120,10 sq., 121,4, 206,20 sqq., III 6,5 sq., 10,10 sq., 12,13 sq., 24,16 sq.; Upj 18,5 sq.; etc. — unid.sch.: SHT (VI) 129 (1419, v°4).

5. The motion is to be followed by a single or threefold “subsequent proclamation” (*anu-ssāvanā*, f.<sup>28</sup>) of the “legal proposition” (*kamma-vācā*, f.<sup>29</sup>), during which the chairman states the case once more, then the

BhīVin(Mā-L) 54,2, *prajñaptih* is most probably a copyist's *pamāda-lekha*; on *ib.* 30,3 *ovaśikāye*, see Nolot, Règles 18 n. 42.

<sup>27</sup> On the *nom.ag.* *jñapti-kāraka* occurring in this text, see below, end of § 6.

<sup>28</sup> To be distinguished from *anussāvana*, n., “praise”, Vin V 202,30 (quoted as *anusāvana* by Sp [E°] 1378,1), as pointed out by v.Hi., Recht u. Phonetik 103, 116 (English transl.: v.Hi., SP 201 n. 3, 218 [who remarks that Sp 1399,3-4 *anusāvanam* should read *sāvanam* (Vin V 221,2)]); the meaning “praise” can, however, hardly apply at Vin I 93,2-14 (with Sp 1033,5-20); the point needs further investigation. On the *nom.ag.* Pā. *anu-ssāvaka*, BHS *anuśrāvanācāryā*, see below, § 6 and n. 34.

<sup>29</sup> Skt. (Mū) Po-v *karma-vācanā* occurs in this narrow sense, and is therefore syn. with BHS *anu-śrāvanā*, Pā. *anu-ssāvanā*. In a broader sense, the term refers to a text describing the complete set of procedures to be carried out for a particular purpose (e.g., ordination), or to a collection of such texts; still more broadly, it refers to a set of ritual proceedings not connected with the internal

Continues...

matter to be decided upon by vote, then calls for this vote by inviting those who agree to keep silent; he/she finally declares once, by a solemn statement (no technical term), that the resolution is passed.

BHS *anu-śrāvanā*, f.: BhīVin(Mā-L) 236,28', 241,26', 242,13', 244,24' (only *iic.*).

*karma-vācanā*, f.: BhīVin(Mā-L) 30,11 sq., 42,1 sq., 49,13, 54,12, 71,5, 143,18, etc.

Skt. *anu-śrāvanā*, n.: (Mū) Guṇ-VinSū 100,17. — *anu-śrāvayanti*: (Mū) MSV(D) II 207,1 sq.<sup>30</sup>

*karman*, short for *karma-vācanā*<sup>31</sup>: (Mū) Adhik-v 83,15 sq., 85,8 sq., 96,8 sq., 99,15 sq., 106,30 sq.; BhīKaVā(S) 254,30, 255,21, 258,7

dealings of a monastic community (e.g., solemn undertaking of vows by lay followers) (see HH, Po-v 201-206; KP, Sīmā 418 n. 147).

<sup>30</sup> It is not sure whether (Sa) Filliozat/Kuno, FragmVin 49 (9a4) *anu-śrāvita-mfn.*, and (Mū) MSV(D) II 206,13 sq. *anu-śrāvanā*, n., are *t.t.Vin.*, referring respectively to the fourfold procedure of ordination and to the procedures involved in the penalties (listed above, n. 23) entailing some kind of boycott, then reintegration (cf. MSV(D) III 6,3-32,12).

*Anu-śrāvanā*, f., occurring (Sa) Finot 475,7 (cf. PrMoSū 33 [ASd, r°4], 159 [BNb, r°3], 180 [BTa, v°4], 218 [DM, r°2]), and PrMoSū(Mū)<sub>2</sub> 12,8 is no *t.t.Vin. stricto sensu*, although the *nidān'uddesa* (introduction to the recitation of the Pātim.) does show some of the formal features (but lacks the explicit motion) of a *ñatti-catuttha-kamma* (parallels: *samanu-śrāvayisyati*, -*śrāvayamāṇa*, PrMoSū(Mā-L) 6,9-10; *anu-ssāvita*, *anu-ssāviyamāṇa*, Vin I 103,5 sq.; cf. Kkh 15,21-16,21 [with *anu-sāvana*, n.: cf. above, n. 28]).

In Mū. texts, the ger. *anu-śrāvayitavyam* corresponds to Pā. *saṃghoñāpetabbo*, “the chapter is to be informed” (cf. above, n. 16) which *precedes* both the motion and the one- or threefold proclamation (*anu-sāvanā*); the Skt. term therefore means “the proclamation [of the motion] is to be proceeded to”, and does not refer to the *anu-śrāvanā* taking place *after* the motion; *anu-śrāvayitavyam* is, accordingly, regularly echoed by *eṣā jñaptih* after the motion has just been put: (Sa) Finot 1911 622 (Ia3); KaVā § 109,1, § 117,4; VinVibh(R) 71 (11), 217 (2).

sq.; HH, Po-v § 17.3 sq., § 30.2 sq., § 37.1 sq. (= MSV(D) IV 78,8 sq., 81,14 sq., 84,20 sq., the latter = KP, Sīmā 389); KC, Kath-v 52,28 sq., 54,8 (= SHT(VI) 136 (1437, v°2) = KaVā § 113 [12] = MSV(D) II 153,8 sq., 155,5); MSV(D) III 6,5 sq., 10,10 sq., 12,13 sq., 24,16 sq.; Saṅghabh II 80,18, 81,1, 83,9; Upj 18,5 sq.; etc.

*karma-vācanā*, f.: (Sa) most probably to be reconstructed VinVibh(R) 72 (13, 14): see HH, Po-v 205(-206) n. 4. — (Mū) Adhik-v 96,19, 99,33, 107,9<sup>32</sup>; Bendall, Ord.Ritual 376 (B7); BhiKaVā(S) 256,4, 259,10; Guṇ-VinSū(Pravr-v) 11,18; HH, Po-v § 44.5d, § 51 (= MSV(D) IV 88,2 sq., 90,13 = KP, Sīmā 402, 418); KaVā(Mū)<sub>2</sub> 65,1; MSV(D) III 6,22 sq., 13,6 sq.; Mvy(M) 266.4-7; Upj 18,19.

*vācanā*, f. (short for *karma-v°*): (Mu) Guṇ-VinSū 99,8, 102,30, 105,8; Guṇ-VinSū(Pravr-v) 5,5.

6. In Pā. texts, no technical term designates the monk/nun who is to officiate as chairman of the chapter; the phrase that regularly introduces the performance of a procedure is *vyattena bhikkhunā paṭibalena/ vyattāya bhikkhuniyā paṭibalāya saṅgho nāpetabbo*, “the chapter is to be informed about the motion by a competent, able monk/nun”<sup>33</sup>.

<sup>31</sup> See KaVā 14-15; KP, Sīmā 390 n. 81; HH, Po-v 200. Whether it reflects an Indian original (not necessarily Mā: cf. Brough, review of BhiVin(Mā-L), BSOAS 36 676a; deJ., Fa-hsien 112), or is a specifically Chinese translator's device, this use of *karman* seems to occur also in Chin. Mā texts (Hirakawa, ChinBhiVin(Mā) 69, 75, 81, 104).

<sup>32</sup> In their description of fourfold procedures, this text and Saṅghabh occasionally abridge, or omit altogether, the mention of the threefold proposition (Adhik-v 96,19-20, 99,33-34, 107,9-10; Saṅghabh II 84,32).

<sup>33</sup> See, e.g., Vin I 123,14-15, II 41,35-36, 272,28-29, III 187,7-8, IV 319,11-12.

The *nom.ag. Pā. anu-ssāvaka*, “proclaimer” (Vin I 74,9, ordination context) seems to refer to the chairman leading the procedure<sup>34</sup>.

**BHS** *karma-kāraka*, m., <sup>o</sup>-*kārikā*, f., “officer, chairman”: BhiVin(Mā-L) 24,7, 28,7, 36,13, 44,2 sq., 48,9, 53,10, 55,23, 70,23, 235,22, 312,2 sq., etc.

Sa. Skt. texts state, still more tersely than Pā. texts, that procedures should be conducted *ekena bhiksunā*, “by one monk”: KaVa § 109.1; VinVibh(R) 71(11).

The terminology of Mu Skt. texts is not standardized:

*ekena bhiksunā*: Adhik-v 96,7, 99,14, 106,29; HH, Po-v § 17.3, § 30.2, § 37.1, § 40.2, § 44.3, etc. (= MSV(D) IV 78,7, 81,14, 84,19 [the latter = KP, Sīmā 389], ≠ 86,12, 87,13, etc.); MSV(D) II 192,18, III 6,5, 10,10; Saṅghabh II 80,17, 83,8 etc.;

*karma-kāraka*, m., <sup>o</sup>-*kārikā*, f. (followed [+ or not [-] by *bhikṣu*, *bhiksunī*): Bendall, Ord.Ritual 375 (A1[+]); BhiKaVā(S) 252,10 sq.[+], 254,23 sq.[+], 256,11 sq.[+]; Guṇ-VinSū 99,18[+], 105,4[-]; Guṇ-VinSū (Pravr-v) 11,10 sq.[-], 12,5[-]; HH, Po-v § 51[-] (= MSV(D) IV 90,13 = KP, Sīmā 418), § 53.3[+] (= MSV(D) IV 91,3 = KP, Sīmā 420); MSV(D) III 97,7[-]; Mvy 8729[-] (but Mvy(M) 270.16 <sup>o</sup>-*kāra*); Upj 13,3 sq.[+], 17,7 sq.[+]; Wille, MSV 148 (GBM 2.145, r°2[+]).

BhiKaVā(S) 258,7 refers to the monk acting as chairman of a female probationer's fourfold ordination procedure as *jñapti-kāraka bhikṣu*, “performer of the motion”.

<sup>34</sup> According to Sp 996,25, it refers to the *ācariya*, “preceptor” of the candidate for ordination; according to Sp 1162,3-4, the preceptor is the one who utters the formulae (*kamma-vācā*, cf. above, n. 29) of the procedures involved; cf. BhiVin(Mā-L) *anuśrāvanācaryā* (same context), which does seem to refer to the nun acting as chairman (Nolot, Règles 395-396).

7. In Pā. texts, a valid procedure is termed *dhammika*, *a-kuppa*, *thānāraha*, “legitimate, indisputable, appropriate to the case”, as opposed to *a-dhammika*, *kuppa*, *a-ṭṭhānāraha*<sup>35</sup>. Although this fixed set of epithets occurs in contexts both of ordination and disciplinary procedures, in the latter the most frequent stock-phrase is *(a)dhamma-kammañ ca hoti (a)vinaya-kammañ ca du-/su-vūpasantañ ca*, “the procedure does / does not conform both to what is legitimate and to the Vinaya rules, and it is (im)properly settled” (Vin II 3,2 sqq. [truncated E<sup>c</sup> 8,20 sqq.]).

**BHS** *(a)dharma-karma*, *(a)sthānāraha karma*, “(il)legitimate procedure, (in)appropriate to the case”: BhīVin(Mā-L) 275,24' sq.; Prakirṇ(Mā-L) 328,7 sq.<sup>36</sup>

**Skt.** *dharma*, *a-kopya*, *a-sthāpanāraha*, “legitimate, indisputable, that there is no reason to discard”, with corresponding antonyms *a-dharma*,

<sup>35</sup> Vin I 313,16-18, III 24,10-11 ≠ IV 214,9-10; cf. ChinSp 182 “with no default” (*akuppa*). The inaccurate translation of BD I 42 is corrected at BD III 161, IV 448.

According to Kkh 17,25-19,35 (cf. Sp 243,1-5) *ad* Vin III 24,10-11, a procedure is sanctioned as “indisputable” with regard to its object, to the motion and subsequent proclamation(s), to the monastic boundary, and to the quorum required (see above, § 1-2); it is sanctioned as “fit to stand” in relation to its performance and to the Buddha’s teachings.

<sup>36</sup> On *sthānāraho* no *asthānāraho* (*scil. bhikṣu*), see Nolot, FragmMā(?) 352-353.

*Anāghāta-pañcama karma*, “(fourfold) procedure with no objection as its fifth part”, occurs at BhīVin(Mā-L) 42,6-7, 50,3-4, 57,8, 76,9, in the final, solemn statement concluding the procedure by which a candidate becomes officially ordained; it occurs nowhere else in this or, as far as can be seen, other texts. According to Hirakawa, ChinBhīVin(Mā) 69, 75, 81, 104, this term is represented in Chin. Mā. by “there have been no objections to the one motion and the three *karma-s*”, “[the candidate] had no obstructing conditions when the one motion and three *karma-s* were performed” (cf. Nolot, FragmMā(?) 355 n. 11).

*kopya*, *sthāpanāraha*: (Mū) BhīKaVā(S) 271,12<sup>37</sup>; KaVā(Mū)<sub>2</sub> 72,13<sup>38</sup>; MSV(D) II 101,16, 120,11<sup>39</sup>, 176,8, 178,13, 191,4, III 73,16 sqq.; Upj 25,19<sup>40</sup>; Wille, MSV 152 (GBM 2.129, r<sup>o</sup>6).

*(a)kopyañ (a)sthāpaniyam* *sa-/a-vastukam*, “(in)disputable, (not) to be discarded, founded / unfounded”: (Mū?)<sup>41</sup> SHT(V) 104 (1108, r<sup>o</sup>5, v<sup>o</sup>1).

*dhārmika samgha-karaṇīya*, n., “legitimate act of the chapter” (corresponding to Vin IV 152,6\*\* *dhammika kamma*): (Sa) Finot 514,1; PrMoSū 68 (AWI, v<sup>o</sup>4), 125 (BIE, r<sup>o</sup>5-v<sup>o</sup>1). — (Mū) Erg.L.Ch 5,13. — *dhārmika-s°*: PrMoSū(Mū)<sub>2</sub> 37,18.

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<sup>37</sup> Tentative restoration (*ib. n. 394*, with Tib. parallels); BhīKaVā(R/VP) 31b1 *akopyenāsthāna*.

<sup>38</sup> GBM(FacEd) X.1, 50 (90.4) *akopyenāsthāpanārheṇa*; ed. *akopyena anāsthāpanārheṇa* is erroneous.

<sup>39</sup> Cf. Schopen, Funerals 5.

<sup>40</sup> Ed. (and ms.?) *akopyanāsthāpanārheṇa*.

<sup>41</sup> This fragment contains the term *sthalaṣṭha* (v<sup>o</sup>2 sqq.), occurring also in other Mū texts (see SVTT II, § 2 b.ii and n. 45) and, admittedly, at Prakirṇ(Mā-L) 328,8; v<sup>o</sup>2 *dharma-karma ca bhavati vinaya-karma ca* stands very close to MSV(D) II 204,16 sqq. (cf. SHT(VI) 111 [1388, r<sup>o</sup>3 sqq.]).

II. *Adhikarana*, “legal question, formal dispute, case”

0. The range of application of this term — the specific Vinaya parallel to *atta*, “case” in a lay court<sup>1</sup> — covers all disputes that may arise within a monastic community. These disputes are classified into four kinds according to their subject-matter, and are to be dealt with according to one or several of the seven “rules for the settlement of disputes” (*adhikarana-samatha dhamma*). The latter apply to both monks and nuns and form the seventh, and last, chapter of the Pātim.<sup>2</sup> Disputes and modes of settlement are however set forth in greater detail in the Samatha-kkhandhaka of the Cullavagga<sup>3</sup>, in the Parivāra<sup>4</sup>, and in MN<sup>5</sup>; a fairly good summary is given by Dutt, EBM 126-138; for a summary of Chin. data, with references, see Frauwallner, Vinaya 113-116.

The seven rules for the settlement of disputes imply formal proceedings (and sometimes procedures)<sup>6</sup>. The first of these rules (*sammukhā-vinaya*; see below, § 2 a) applies, wholly or in part, to all cases, together with whichever rule among the other six is relevant; applying the wrong one to an irrelevant case invalidates the proceedings<sup>7</sup>.

The regular, valid settlement of a dispute may not be criticized by absent monks/nuns who agreed to the proceedings by proxy<sup>8</sup>; neither may the dispute be reopened<sup>9</sup>.

Nuns should settle disputes within their own chapter<sup>10</sup>; a Pātim. rule applying specifically to them states that those who do not try their best to settle a dispute, when requested to do so, incur a Pāc. offence<sup>11</sup>.

<sup>1</sup> Sp 906,24-25; v.Hi., Begriffe 278 n. 12 (English transl.: v.Hi., SP 120 n. 12). Accordingly, no disputes but those involving monks/nuns may be termed *adhikarana* (Vin II 92,8-93,23 with Sp 1197,9-10). Neither monks (Sp 909,29-910,8) nor nuns may sue laymen in secular courts (see v.Hi., Buddhist Law 25-26, 28-32, 35; the only Pātim. rule stating so explicitly applies to nuns: Thv(M) 1st Samgh., Vin IV 223,4-225,15 with Kkh 160,33-161,30, Sp 906,18-910,11. — Conc.: BhiPr 54, table II.1 s.v. *ussaya*).

<sup>2</sup> Vin IV 207,1-19\*\* ≠ 351,1-16\*\* with Kkh 153,26-156,15 (cf. Kkh 208,1-2; Sp 948,29-949,2). Conc.: Pachow, CompSt 211 sq. and *ib.*, Appendix IV.VIII, p. 22.

<sup>3</sup> Vin II 73,1-104,11 (≠ v.Hi., Oldest Pā.Ms. 106a-107b4b) with Sp 1191,16-1199,11; cf. ChinSp 533-534.

<sup>4</sup> Vin V 91,1-113,9 with Sp 1314,8-1317,31 (up to Vin V 93,7; Vin V 102,1-112,32 is dealt with in Vjb (B<sup>e</sup> 1960) 548,1-551,12); 150,1-157,10 with Sp 1354,2-1359,18.

<sup>5</sup> MN II 247,3-250,21 with Ps IV 42,4-46,25 ≠ Kkh 153,26-155,41 ≠ Sv 1040,27-1043,22 ad DN III 254,10-14.

<sup>6</sup> Settlements involving procedures involve *ipso facto* possible disputes concerning the latter (Vin V 111,3-10; cf. Vjb 550,24-551,4).

<sup>7</sup> Vin II 93,24-104,11; I 325,26-328,23; V 103,12-105,25, 106,7-107,10, 107,24-109,35, 110,30-111,2, 112,10-113,3; cf. BD III 153-154.

<sup>8</sup> Thv(M) Pāc. n°79 (refs. as above, SVTT I, n. 6).

<sup>9</sup> Thv(M) Pāc. n°63 [bhu], Vin IV 126,1 sq. with Sp 865,27 sq., Kkh 124,13 sq.; n°144 [bhi]. — UpāliPr(SR) 61, n°4. — Dh [bhu]: CASF(II) 165, n°66. — Conc.: BhiPr 57, table IV.1 s.v. *khoṭanam*.

<sup>10</sup> Vin II 260,37-261,17. Although the exact meaning of *bhikkhuniyo kammappattiāyo pi āpatti-gāminiyo pi* (261,7-8) is *prima facie* ambiguous (cf. BD V 362 n. 3), *kammappatta* is probably, if unexpectedly, syn. with *kammāraha*, “liable to a procedure”, as the syntax suggests: 261,9,13,14 *bhikkhunīnam kammam karontu, bhikkhunīnam kammam ropetvā, bhikkhunīnam kammam kātum*, all conform to the regular construction of *kammam* with designation in the gen. case of the person who is the object of the procedure (see SVTT I n. 3). This is confirmed implicitly by Sp 1292,6-9 ad 261,12-13: *ettha tajjanīyādisu* [i.e., the disciplinary procedures listed in SVTT I n. 23] *idam nāma kamma etissā kātabban ti evam āropetvā*, and explicitly by Vjb (B<sup>e</sup> 1960) 537,16-17: *kammappattiāyo pīti kammāraha ti*.

1. The four subject-matters of disputes are controversies (*vivādādhikarana*), censure (*anuvādādhikarana*)<sup>12</sup>, offences (*āpattādhikarana*), and legal duties (*kiccādhikarana*). Each one may be the cause of further disputes, or of one or several of the seven types of offences<sup>13</sup>: controversies may lead to the offence of insulting speech, censure to that of making a groundless charge, offences to that of concealing them, legal duties to that of disputing a sanction reached by a regular procedure.

The same applies to *bhikkhunīnam kammam na kariyati*, etc., in the preceding passage (Vin II 260,17-36), and is borne out both by 260,23 *kata-kamma*, whose sense “against whom a procedure was carried out”, “who was sentenced”, is clear from the context (though utterly misunderstood by CPD s.v.), and by 260,27 *khamāpentī*, “they ask forgiveness” (cf. Vin II 14,16-17 = III 183,33 with Sp 625,21-22 *dukkatām bhante amhehi na puna evam karissāma khamatha amhākan ti* [= Sp 1292,4-5 ad Vin 260,27]). It is confirmed by Sp 1292,3-4 *kammam na kariyatītī tajjaniyādi sattavidham pi kammam na kariyati*, “no procedure was carried out — i.e. the seven [disciplinary] procedures, *tajjaniyā* and the rest” (BD V 361 n. 1 is hardly correct), and corroborated by the context (Vin II 259,31-261,17 deals with the acknowledgment and redress of offences [Vin II 261,13,15 *kammam ropetvā*, *āpattim ropetvā* mean resp. “stating a sentence” (Sp 1292,6-9), “charging with an offence” (*passim* Vin and c.t.s.)]).

<sup>11</sup> Thv(M) Pāc. n°45, Vin IV 301,8 sq. — Conc.: BhīPr 67, table III.2.B.2 s.v. *vūpasamena*; see BhīVin(Mā-L) 275,6 sq.; Hirakawa, ChinBhīVin(Mā) 381-382.

<sup>12</sup> CPD's translations of *anuvādādhikarana* (“case of joining one's party”), *anuvadānā*, *anullapanā*, *anubhanānā*, *anusampavañkatā*, *abbhussahanatā*, *anubalappadāna* (q.v.) are not supported by Sp 1194,21-29 ad Vin II 88,30-35, Sp 595,3-5 ad Vin III 164,9, and Kkh 153,38-39 = Ps IV 43,4-6, and are to be corrected according to BD V 117.

<sup>13</sup> As listed below, n. 21; see Vin V 99,28-101,23, 111,14-112,9; Utt-vn 285-297. Vin V 101,28-102,38 further considers each type of dispute according to the “triple poison” it presupposes (*pubbamgama*), its ground (*ṭhāna*), its subject-matter (*vatthu*), its base (*bhūmi*), its cause (*hetu*), and its aspect (*ākāra*), together with the rules applying for its settlement. Still further combinations (for mnemotechnic purposes) occur at Vin V 150,2-157,10.

**BHS** *adhi-karana*, n.: BhīVin(Mā-L) 104,6\*\*, 105,7\*\*, 149,4\*\* sq., 151,9, 160,1, 275,8,17\*\*, 276,2' sq.; PrMoSū(Mā-L) 9,23 sq., 19,10, 35,2.

*adhikarana-śamatha dharma*, m.: BhīVin(Mā-L) 51,10; °-śamatha: BhīVin(Mā-L) 300,1; PrMoSū(Mā-L) 35,1,11. — śamatha (sic ms.), śamatha-vastu: Prakīrṇ(Mā-L) 332,1; samatha: ib. 333,4-5.

**Skt.** *adhi-karana*, n.: (Sa) BhīPr 32 (Pa<sub>12</sub>, r°b); Finot 481,8, 482,1 sq., 11 sq., 503,4; PrMoSū 74 (AYI, r°1 sq.), 79 (AZb, r°4), 87 (BAm, r°5), 151 (BMh, r°3), 152 (BMi, v°2), 227 (EDd, v°4), 229 (FA, r°3), 275 (IN, r°2); VinVibh(R) 33 (M 176, v°3, 5\*\*), 65 n. 1 line 4 (≠ PrMoSū 151 [BMg, v°5]). — (Mū) Adhik-v 59,2\*, 71,13 sq., 77,18 sqq.; Guṇ-VinSū 37,2, 108,9-10,15, 110,11,12; Guṇ-VinSū(Pravr) 3,22; MSV(D) III 1,9\*; Mvy 9115; PrMoSū(Mū)<sub>2</sub> 18,3,7-8,13, 32,7. — *ādhikaranika*, m(fn): (Mū) HH, Po-v § 98,2,4 (= MSV(D) IV 115,3,9).

*adhikaranatā*, f.: (Mū) Guṇ-VinSū 36,32.

*adhikarana-śamatha dharma*, m.: (Sa) PrMoSū 284 (KH, v°4); Schmidt, Schlußt 88, r°3 (≠ Finot 539,6). — (Mū) Adhik-v 79,3 sq., 88,24, 95,1-2, 98,17, etc.; PrMoSū(Mū)<sub>2</sub> 54,1,8; Schmidt, Schlußt 92 (fol.37, r°1). — (unid. sch.) Schmidt, Schlußt 90, r°1; SHT(IV) 255 (623 Bl.35, r°5), (V) 84 (1096, r°3) (the latter *scil. dharma*). — śamatha (scil. dharma): (Mū) Guṇ-VinSū 110,6.

*anavavādādhikarana*: (Mū) Adhik-v 71,14 sq., 76,11 sq., 95,8 sq., 100,17-18.

*anovāda*, m.: (Sa) Hoernle, MR 12 (3, r°4)<sup>14</sup>.

<sup>14</sup> From *anavavādādhikarana*, which corresponds to Pā. *anuvādādhikarana*, Adhik-v 71,20-21, 74,5, 78,5 sq. extracts *anavavāda*, m., and °-vādana, n.; these terms make little sense here (“absence of censure”) if taken *prima facie*, and might be due to a wrong sanskritization of mi. *anuvāda* > *anovāda*, allegedly *an* + mi. *ovāda* > *an-avavāda*, whereas *ovāda* actually < \**ud-*° or \*ā-vadati (see SWTF Nachtr 511, s.v. *ano-vāda*; CPD s.v. *ovadati*). That both *anavavāda* and *anovāda* denote the same thing may be inferred from Adhik-v ib. *anavavāda*.

*āpatty-adhikarana*: (Mū) Adhik-v 71,14 sq., 74,10 sqq., 76,25 sq., 77,23 sqq., 100,23 sq., 110,4.

*kṛtyādhikarana*: (Mū) Adhik-v 59,7\* (v.l. *kṛtvādh*°), 71,15, 72,1 sq.<sup>15</sup>, 75,20 sq., 77,4 sqq., 110,7; Guṇ-VinSū 110,6.

*vivādādhikarana*: (Mū) Adhik-v 71,14 sqq., 75,25, 77,22 sqq., 95,6 sq.

**1 a.** Controversies are defined as discussions about the Buddha's statements, practices and prescriptions, about what is the doctrine and what is the discipline, and about the determination and relative gravity of offences against Vinaya rules; they are identical with the eighteen points whose discussion may lead to a split in the Order (*saṅgha-bheda*)<sup>16</sup>.

The twelve roots of disputes about these points are those of controversy itself: the first six are anger and resentment, harshness and scorn, envy and greed, wickedness and deceit, evil desires and wrong opinions, and attachment to worldly things together with obstinacy and stubbornness — all of which lead to quarrels out of disrespect for the Buddha, the doctrine, the Order, and the training; the last six roots are those of what is morally either bad or good, depending on whether those arguing do so with covetous, corrupt, foolish minds or not. The dispute itself may be morally good, indeterminate, or bad, depending on the corresponding state of mind of the disputants<sup>17</sup>.

*prasthāpana*, n. / Hoernle, MR *ib.* *anovāda-prasthāpanā*, f. (followed by -°*visthāpanā*).

<sup>15</sup> Cf. SVTT I n. 17.

<sup>16</sup> Vin II 88,20-30, 204,11-27 ≠ I 354,21-355,8 with Sp 1278,2-1280,21; cf. Vin V 102,1-11; Sp 595,1-3 ad Vin III 164,8-9. See Bechert, "Schismenedikt" 32-33 ≠ Bechert, Schulz 35-36. (Mū) Adhik-v 73,25-29 lists fourteen such points.

<sup>17</sup> Vin II 89,5-90,3, 91,1-3 with Sp 1196,2-5. Cf. (Mū) Adhik-v 72,5-74,2, 75,25-76,9.

**1 b.** The subject-matter for censure is a monk's/nun's fall from morality (*sīla-vipatti*), right behaviour (*ācāra-v*°), right opinions (*dīṭṭhi-v*°), or right means of livelihood (*ājīva-v*°)<sup>18</sup>. These shortcomings may be the cause of one or several out of the seven types of offences<sup>19</sup>.

The fourteen roots of disputes about these points are those of censure itself: the first twelve are identical with those listed above in § 1a, except for the subject-matter; the last two are body (when censure concerns

<sup>18</sup> Refs. as in n. 12 above.

<sup>19</sup> As listed below, n. 21; cf. below, n. 23. In Vinaya contexts, the first two *vipatti*-s are made to refer strictly to Vibhaṅga categories: *sīla-v*° refers to Pār. and Samgh., *ācāra-v*° to Thull., Pāc., Pāṭid., Dukk., and Dubbh. offences (explicitly at Vin I 172,8-11 with Sp 989,19-23; cf. Vin V 160,2-11, 146,2-8\* with Sp 1348,15-26; Sp 588,21-27 [ChinSp 389], elaborating upon Vin III 163,36').

The fourth one (altogether left out at, e.g., Vin I 63,33-34 = 67,8-10 ≠ 64,1-3 = 67,15-16; I 171,37 sqq.; II 4,24-25; IV 148,16-17; V 122,12-15, 160,2-11) is related empirically to the fivefold Pātim. classification by a definition that flatly lists six offences (detailed only at Vin V 99,5-16, and referred to in commentaries as *cha sikkhāpadāni*) considered under the moral angle of greed: twice the Thv(M) [bhu] fourth Pār., once the fifth Samgh., once the 39th Pāc., once the 37th Sekh. (entailing a Dukk.), once the eightfold [bhi] Pāṭid. (Vin V 99,10 *paṭivijānantassa āpatti thullaccayassa* is translated wrongly as "grave offence involving recognition" at BD VI 144 with n. 3; the first *gen.* actually refers to the agent, and the sentence means "for the one [who advertises superhuman powers] with [greedy] lurking thoughts, a gross transgression is incurred").

The third *vipatti* is defined at Vin I 172,11 as *micchādīṭṭhi antaggāhikā*, "wrong view advocating an extreme standpoint", with surprisingly missing reference either to the procedure of suspension (cf. SVTT III, n. 7), or to the 69th-70th Thv(M) [bhu] Pāc. (Vin IV 135, 18-30\*\*, 137,17-20\*\*): it seems to have resisted inclusion in Vinaya legal categories.

This cursory sketch of attempts at a strictly legal interpretation (see Vin V 98,6-99,27) of the fourfold *vipatti*, which does need further investigation, is yet another illustration (see v.Hi., Buddhist Law 24) of how Vinaya compilers and commentators tried to impart purely technical senses to terms with general doctrinal or moral connotations.

physical defaults) and speech (when it concerns flaws in elocution). The dispute itself may be morally good, indeterminate, or bad (as above, § 1a)<sup>20</sup>.

**1 c.** Offences giving rise to disputes are those of the fivefold Pātim. classification, together with those occurring in Vibhaṅga casuistry<sup>21</sup>; such disputes are exemplified by the 8th and 9th Samgh. [bhu, bhi]<sup>22</sup>

The six roots of such disputes are those of the offence itself: an offence may originate in body, or speech, or both, or in body and mind, or speech and mind, or in body, speech and mind together<sup>23</sup>. The dispute itself may be morally indeterminate, or bad, depending on whether the offence in point was committed deliberately or not<sup>24</sup>.

<sup>20</sup> Vin II 90,4-28, 91,14-24. Cf. (Mū) Adhik-v 74,4-7, 76,11-23.

<sup>21</sup> i.e., the Pār., Samgh., Pāc., Pāṭid., and Dukk., to which the Vibhaṅga adds the Thull. and Dubbh. offences — the Dubbh. being a subdivision of Dukk., with the latter quite often referring implicitly to either, or to both (Vin II 88,35-89,1; Kkh 153,40-154,1 ≠ Ps IV 43,6-7, the latter with w.r. *mānikāya agatā* for *mātikāya āgatā* [so Kkh; Sp 595,5-7 ad Vin III 164,9', 1314,28-29]).

<sup>22</sup> Vin III 158,2-166,28 with Sp 575,21-598,9; III 166,31-170,35 with Sp 598,11-602,21. — UpāliPr(SR) 47, n°8-9. — Conc.: BhiPr 54, table II.1 s.vv. *amūlakam, laiśikam*.

<sup>23</sup> On this sixfold classification and its later developments, see v.Hi., Āpattisamūṭṭhāna (p. 58 line 12, read “*nissaggiya-pācittiya* 16” [Kkh 71,15-16] for “*pācittiya* 6”; p. 69 n. 13 line 6, read “Sp 662,18-21” for “Sp 62,17-21”). Vin V 94,9-97,14 gives a systematic account of the number of offences arising from each of these six origins, together with the four moral shortcomings (as above, § 1 b), the sevenfold classification of offences (as above, n. 21), the kind of dispute involved, and the rule(s) that apply for its settlement.

<sup>24</sup> Vin II 90,29-36, 91,25-32 with Sp 1196,6-1197,8; cf. Vin V 106,2-4. According to Sp *ib.*, no dispute about an offence may be morally good, because, as regards a deliberate offender, his/her state of mind is *ipso facto* morally bad; as regards one who commits an offence unwittingly, the question whether his/her state of mind is good, bad or indeterminate simply does not arise; such an offence originates only in body and/or speech, which are physical, and therefore morally

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**1 d.** Legal duties are the official procedures carried out by a chapter (*saṅgha-kamma*; see SVTT I), whichever part of them is disputed<sup>25</sup>.

The root of disputes about procedures is the chapter itself. These disputes may be morally good, indeterminate, or bad, depending on the corresponding state of mind of the chapter's members<sup>26</sup>.

**2.** The seven modes of settlement are (1) *sammukhā-vinaya*, “verdict involving the presence” of three or four constitutive elements; (2) *sati-vinaya*, “verdict of innocence”; (3) *amūlha-vinaya*, “verdict of (past) insanity”; (4) *patiññātā-karana*, “acknowledgement (of an offence)”; (5) *yebhuyyasikā*, “decision of the majority”; (6) *tassa-pāpiyyasikā*, verdict of “obstinate wrongness”; (7) *tīṇa-vatthāraka, -°patthāraka*<sup>27</sup>, covering up the dispute “as with grass”.

Each of these may be morally good, indeterminate, or bad, except the first, which is never bad<sup>28</sup>.

**2 a.** *Sammukhā-vinaya* is a “verdict involving” (i) a duly assembled, deliberating chapter (*saṅgha-sammukhatā*), except when a restricted

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indeterminate (see further Vjb (B<sup>c</sup> 1960) 518,13-520,10). Cf. (Mū) Adhik-v 74,10-75,18, 76,25-77,2.

The cause (*hetu*) of the dispute may, however, be good as well (Vin V 102,24 [F<sup>c</sup> to be filled in with 102,6]; Vjb (B<sup>c</sup> 1960) 548,14-15 *natthi āpattādhikarāṇam kusalān ti vacanato natthi āpattādhikarāṇassa kusalāhetu. Kusalacittam pana āṅgām hotīti likhitam*).

<sup>25</sup> Vin II 89,1-4 with Sp 1194,3 0-1196,1; Sp 595,7-10 ad Vin III 164,9-10'; Sp 601,1-13 ad Vin III 168,34'; cf. Kkh 154,1-2 ≠ Ps IV 43,8-9.

<sup>26</sup> Vin II 90,37-38, 91,33-92,3. Cf. (Mū) Adhik-v 75,20-23, 77,4-16.

<sup>27</sup> The latter form, occurring v.Hi., Oldest Pā.Ms. 106b3a, 6a, confirms the analysis of the former, which occurs *ib.* 106b4b-c, 107a1c,3b-c,5b,7a sqq. (see *ib.* 12-13).

<sup>28</sup> Vin V 105,26-36 (cf. Vjb (B<sup>c</sup> 1960) 548,8-12).

committee (*ubbāhikā*) is appointed in its place (see below, § 2 b.ii), or when the first two steps of *patiññāta-karana* apply (see below, § 2d.i); (ii) conformity to general rules and teachings (*dhamma-s°*) and (iii) to monastic discipline (*vinaya-s°*); (iv) the presence of both factions (*puggala-s°*)<sup>29</sup>. This three- or fourfold mode of settlement applies to all cases<sup>30</sup>, either alone, or together with whichever of the other six is relevant<sup>31</sup>. It is sanctioned as valid only if those who hold the right

<sup>29</sup> Vin II 93,32-94,8 (cf. II 73,3-74,23 with Sp 1191,17-30-30; V 224,10-17). In (Mū) Adhik-v, the *sammukha-vinaya* is threefold: *saṃgha-*°, *pudgala-*°, and *dharma-saṃmukha*, the latter including conformity to both *dharma* and *vinaya* (92,20-83,7, commenting on the settlement among the chapter prescribed at 82,14-18); cf. Banerjee, SarvLit 237-238 (i).

<sup>30</sup> These four prerequisites apply indeed to all procedures whatsoever, with eight exceptions, when the person who is the object of the procedure (*vathu*; see SVTT I n. 3) is dealt with *in absentia*: ordination by proxy, boycott of a donor's gifts, cancellation of this boycott, exemption of mentally ill monks/nuns from attending the *uposatha*, exemption of poor, faithful donors from making gifts to the community, boycott of harsh monks, public proclamation that a bad monk's doings will not be endorsed by the community, decision by nuns to stop greeting an exhibitionist monk (Vin V 220,7-9 with Sp 1396,19-1397,2).

<sup>31</sup> This is expressed at Vin V 110,5-14 by *katham siyā samathā sammatehi sammantīna samanti*, “how is it that modes of settlement are settled or not together with modes of settlement?”, i.e., “which ones have to be applied together or not?”, as can be deduced from the following lines (regrettably truncated in E°): each one must occur together and exclusively with *sammukhāvinaya*, all others being unhelpful (Vjb (B° 1960) 550,13-16: *saṃthā samathei sammantī ettha sammantī sampajjanti. Adhikaraṇā vā pana samanti vūpasamantī attho. Tasmā yehuyyasiā sammukhāvinayena sammatī imāya sammukhāvinayena saddhiṃ sampajjati. Na sativinayādihi tesam tassā anupakārattāti attho*).

Vin V 110,15-29 then proceeds to list which modes of settlement come to naught (*sammanti*; Vjb 550,16-17 *saṃthā adhikaranehi sammantī ettha saṃthā abhāvam gacchanīti attho*) because of (further) disputes. Although, due to the variations in the occurrence of *na* according to recensions (see Vin V 229 ad 20), a discussion of this passage would be fruitless here, Vjb 550,18-23 is worth quoting: *sammukhāvinayo vivādādhikaraṇena na sammatī pātho* [cf. Vin V 110,16-17]. *Yehuyyasiāya samānabhāvato ca avasāne sammukhāvinayo na kenaci sammatī ti vuttattā* [cf. ib. 111,12] *ca sammukhāvinayo sayam*

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opinion manage to win over the other monks, whatever the latter's previous opinion might have been<sup>32</sup>.

The settlement of disputes by this verdict alone is valid in any case, except those concerning offences (see below, § 2d).

**BHS** *sammukha-vinaya* *śamatha*, m.: PrMoSū(Mā-L) 35,4<sup>33</sup>; *sammukha*: BhīVin(Mā-L) 300,2.

**Skt.** *sammukha-vinaya* (*scil.*, or followed by, *adhikaraṇaśamatha dharma*): (Sa) PrMoSū 59 (AS xx, v°2), 95 (BA x, v°6). — (Mū) Adhik-v 79,5 sq. (cf. 82,6 sq.), 95,7-8 sq., 110,6; Guṇ-VinSū 109,17-18; MSV(D) II 207,11; Mvy 8631. — (Sa or Mū) SHT(VI) 119 (1401, B3). — (unid.sch.) SHT(IV) 255 (623 Bl.35, r°6). — *sammukha*: (Mū) Adhik-v 59,5\*.

*sammukha-karaniyam karma*: (Mū) MSV(D) II 207,7 sq.

**2 b.i.** Disputes about controversies (§ 1a above) are to be settled either by a fourfold *sammukhā-vinaya*, or by a majority decision (§ 2b.iii below).

When the settlement of such a dispute cannot be achieved by means of a fourfold *sammukhā-vinaya* within the chapter of the residence concerned, the monks should go and — unless a decision is reached on the way<sup>34</sup> — ask for arbitration by those of another residence where

*saṃathena vā adhikaraṇena vā sametabbo na hotīti katvā vutto. Sativinayo kiccādhikaraṇena sammati. Amūlhavinaya-tassapāpiya [sic] sika-tinavatthārakā pi kiccādhikaraṇena sammati.*

<sup>32</sup> Vin II 73,23-74,22 with Sp 1191,17-30.

<sup>33</sup> Ms. *sammukha-vinayo* *śamatho* (cf. ed. *ad loc.*; BhīVin(Mā-L) 300 n. 1).

<sup>34</sup> Cf. Sp 1354,34-1355,13 *ad Vin V 150,33*.

monks are more numerous. After careful deliberation, the latter may take up the case, on the condition that it is put to them in full by the visiting monks, and that the latter will abide by the residents' decision<sup>35</sup>.

**2 b.ii.** If confusion arises, and no decision can be reached among the residents' chapter by a fourfold *sammukhā-vinaya*, this same chapter is to carry out a twofold procedure<sup>36</sup> for the appointment of a committee (*ubbāhikā*)<sup>37</sup> of competent monks, well acquainted with Vinaya matters, who will investigate the case. Any member of the committee whose lack of skill hampers the deliberations should be made to leave<sup>38</sup>. According to Vin V 224,19-24 (cf. Sp 590,10-15; v.Hi., Buddhist Law 23-24), the

<sup>35</sup> Vin II 94,8-95,24.

<sup>36</sup> Or, according to Sp 1197,21-22, a formal consultation (see above, SVTT I, § 3 a).

<sup>37</sup> The term literally means “shifting”, “the turning over of a difficult or intricate case from the general *Samgha* to a special committee” (SBE XX 49-50 n. 3; cf. Carrithers, Forest Monks 251-252), as explained at Mp V 34,4-5 (with B.K.) *ad* AN V 71,10: *ubbāhikāyā ti sampatta-adhikaranam vūpasametum samghato ubbāhitvā uddharitvā gahanatthāya*. The right etymology given in CPD *s.v.* is followed by a wrong explanation “committee for the expulsion of a monk from the Order” (echoing Child *s.v.*); this is not supported by phrases of the type *adhikaranam ubbāhikāya vūpasametum* (Vin II 95,27-28), and is inaccurate, insofar as neither a disciplinary point such as suspension, nor any other for that matter, is anything more than the possible starting-point of formal disputes (as occurs at Vin II 298,19-20, on which CPD's interpretation is probably based; see below, n. 40), to the settlement of which *ubbāhikā* specifically belongs. The *abstr.* *ubbāhikā* < *ud* + √ *ih*, “to take away”, is paralleled by the Skt. *nom. ag.* *vyūdhaka* < *vi* + √ *ih* (see below). That the literal sense of the term applies is clear from (Mū) Adhik-v 83,13 sqq. *bahih sīmām gatvā*, “[the committee will sit] outside the community's legal boundary”, from Vin II 305,36-306,5, where the committee is said to agree upon a separate meeting place, and from the Chin. Mś, Dh and Sa parallels to the latter (Hofinger, Concile 110-111). According to Sp 1197,23-24, a committee may sit (*nisiditvā*, misprinted *mi*°) either apart from, or among the assembly, but should forbid anyone else to talk during its session.

<sup>38</sup> Vin II 95,25-97,16 with Sp 1197,19-1198,5; Kkh 154,2-16 ≠ Ps IV 43,9-26 ≠ Sv 1041,8-25; Vin V 197,19-199,32 with Sp 1377,6-19.

appointment of a committee is particularly appropriate when the majority of monks side with the “unscrupulous” (*alajji*) party, and that of Vinaya experts when the majority is incompetent.

How this committee proceeds is set forth in some detail in the account of the compilation (*saṅgīti*) of the Vinaya said to have taken place in Vesālī after the settlement of a dispute caused by a controversy<sup>39</sup>. The relevant data about the case can be summarized as follows: monks from Vesālī decide to carry out a procedure of suspension<sup>40</sup> against the visiting monk Yasa, who holds that their practices go against the Vinaya rules. Yasa goes and persuades monks from Avanti and Pāvā to take up the dispute (these monks are later called *mulādayaka*, “those who first took up [the case]”<sup>41</sup>). Each party tries to secure the support of the learned monk Revata, who makes up his mind to side with Yasa's party and agrees to help settle the dispute, provided that the deliberations take place in Vesālī where it originated. As no settlement (presumably by a fourfold *sammukhā-vinaya*) ensues, Revata appoints a committee, with four monks (including himself) on each side, together with an appointer of seats. The committee moves to another, nearby monastery, then sits and

<sup>39</sup> Vin II 294,3-307,34. Chin. parallels from the Mś, Dh, Sa, Mū and Mā Vinayas, and from the (Haimavata) *Vinayamātrikā* (T. 1463), have been translated by Hofinger, Concile 23-148 (see the remarks of Demiéville, Vaisālī); the parallels to the Thv(M) *ubbāhikā* occur *ib.* 104-125. See also Vallée Poussin, Conciles; Bareau, PCB 31-67; cf. HBI 138-154.

<sup>40</sup> *Ukkhepaniya-kamma* (cf. above, n. 37). The same disciplinary procedure is also said to have brought about a nearly definitive (cf. Sp 1149,11-17) split in Kosambī (*Kosamba-kkhandhaka*, Vin I 337,3 sq.; cf. MSV(D) II 176,3 sq.; Frauwallner, Vinaya 103-104; Banerjee, SarvLit 220-222), when the Buddha reportedly had a hard time trying to persuade the quarrelling monks that disputes should be avoided right from the first by the conciliatory attitude of all those involved.

<sup>41</sup> Vin II 303,22 (Vjb (B° 1960) 540,13: *pesalakā*, “the good ones”); cf. (Mū) Guṇ-VinSū 108,14,28 *mūla-samgha*.

attends the deliberations between Revata, who asks questions about the disputed points, and Sabbakāmī, an Elder staying in Vesālī, appointed on the opposite side, who answers them. The decision thus reached about each point is announced formally by Revata to the attending members, and concretized by casting a token (*salākā*)<sup>42</sup>.

If the committee fails to reach a decision, the dispute is to be settled in the chapter where it originated, by a majority decision (see below, § 2 b.iii).

No BHS parallel has been traced so far.

As regards Skt. texts, the only parallels are (Mū) Adhik-v 83,8 sq., 95,14 *vyūḍhaka bhikṣu*, Guṇ-VinSū 108,12, 123,14\* *vyūḍha*, m<sup>43</sup>, “referee”, to whom the case is handed over. The proceedings described in Adhik-v 80,4-88,24<sup>44</sup> are as follows: disputes are to be arbitrated by

<sup>42</sup> Before the session begins, Revata, then Sabbakāmī, asks the formal consent of the whole committee, whom they call to attention by the words *sunātu me bhante* [Revata]/ *āvuso* [Sabbakāmī] *saṅgho* (on this use of *bhante* and *āvuso*, see v.Hi., Mündlichkeit 10-11). Revata's announcement of each decision opens with *sunātu me bhante saṅgho* (Vin II 306,9,18 sqq.). *Saṅgha* does not occur here in its technical sense of “chapter” (about the latter, see SVTT I, § 1), since its members act as mere witnesses of the deliberations, taking no part in the decisions reached; this is confirmed by Kkh 154,16 (with parallels as above, n. 38) *ubbāhikāya vūpasame pan'ettha saṅghassa sammukhatā parihāyati*, and by Vin II 307,30-34 where, after the case has been declared to be officially settled, Revata is invited by Sabbakāmī to proceed to an optional repetition of the whole proceedings, this time *saṅgha-majjhe*, “among the chapter” — i.e., all the monks present within the official boundary of the community where the dispute arose.

<sup>43</sup> See Hōbōgirin V 437a44-b5, with Addenda, *ib.* IV, and above, n. 37.

<sup>44</sup> They are summed up *ib.* 87,26-88,11, and in Guṇ-VinSū 108,3-28 (somewhat obscure, due to both its terse Sūtra style and the unreliability of the edition).

competent, well trained, reliable “monks who stand on firm ground” (?)<sup>45</sup>, who will not conduct intrigues among the conflicting parties, and are able to settle disputes arising in the community (*saṅgham antarena*). If they cannot reach a decision, they should submit the case to the complete chapter; if the latter too fails, its members should appoint, by a twofold procedure, five to ten<sup>46</sup> referees who will take over the case from the chapter, and settle it outside the residence's boundary. If they too fail, they should appoint (presumably from among themselves) eight or nine *vyūḍhaka-vyūḍhaka*<sup>47</sup> who will take over the dispute from the referees who were appointed first. If no decision is reached, the latter group is to submit the case again to the complete chapter, who will then appoint a competent deputy<sup>48</sup>, by a twofold procedure. This latter monk's office is to go and ask for arbitration by another chapter, where both *sthavira*-s

<sup>45</sup> *Sthalastha bhikṣu* (80,4 sqq., 89,14, 91,21, 93,7); the term occurs also in Guṇ-VinSū 107,20, 108,7, 123,14\*, in (Mū?) SHT(V) 104 (1108, v°2 sq.), and in Prakirṇ(Mā-L) 328,8 in *sthalaṭṭha-vartam* (the latter's relevance here is not certain: it is listed quite separately from 332,2 *śamatha*); according to Adhik-v 80 n. a, the term is represented in Tib. by the hardly helpful *skam la gnas* (“dwelling on [dry] land”). According to SHT *ib.*, the duties of a s° include performing procedures (*karmāni kartā bhavati*), and reproofing offending monks (*bhikṣūmś codayati*) before they are charged with a specific offence. In Adhik-v, the idea of appointing monks to such an office is said to have come to the Buddha's mind after the report of the settlement of a dispute by Śariputra and Maugdalyāyana (79,11-14, without details), whom he then calls his *sthalaṭṭhāḥ śrāvakāḥ*; this very appointment is presented as an innovation (*bhikṣavo na jānate ke sthalasthāḥ kati vā iti*). As shown by Adhik-v 82,6-13 (commenting on 82,2-4), the *sthalaṭṭha* monks do not act in chapter.

<sup>46</sup> Tib.: ten to twenty; Guṇ-VinSū 108,12-13: not less than the quorum required to make up a regular chapter (i.e., four).

<sup>47</sup> The corresponding term in Guṇ-VinSū 108,13 is *vyūḍhaka*.

<sup>48</sup> *Adhikarāṇa-saṅcāraka* (84,21 sqq., 89,1); see Hōbōgirin (as above, n. 43); also at Guṇ-VinSū 108,15.

and a recension of the Prātimokṣa<sup>49</sup> are to be found. If no settlement can be achieved in, and by, the latter chapter within six (Guṇ-VinSū 108,16: three) months, the deputy is to apply to Sūtra-, Vinaya-, and Mātrkā-specialists<sup>50</sup>, who will investigate the case informally. If no decision can be reached within one year (Guṇ-VinSū 108,17: six months), the dispute is to be handed over to the deputy, who will then apply to a most eminent, renowned *sthavira* from any residence; the latter is expected to exhort the conflicting parties to harmony and concord, without either taking bribes or getting involved in endless discussions.

If this monk too fails, he is to hand over the case to the deputy, who will put it to the chapter of the community where it originated, there to be settled by a majority decision.

**2 b.iii.** If the settlement of a dispute caused by a controversy cannot be achieved by a three- or fourfold *sammukhā-vinaya* (including §§ 2 b.i-ii above) alone, the case is to be handed back to the chapter of the community where it originated, and settled by a vote (*salāka-gāha*) “according to the decision of the majority (*yehugyyasikā*) — be it by one only — of those who hold the right opinion”, under the supervision of a competent, reliable monk appointed as distributor of ballots (*salāka-gāhāpaka*) by a twofold procedure. The vote implies a fourfold *sammukhā-vinaya*<sup>51</sup>.

<sup>49</sup> *Sa-sthavire sa-prātimokṣe samghe* (85,25-26, 86,3 sqq.), also at Guṇ-VinSū 108,15 (cf. 105,24-25). A recension of the Prātimokṣa is needed for reference, so that the *sthavira*-s can check which rule(s) should be applied (cf. Sp 1354,29-32 *ad Vin V* 150,32).

<sup>50</sup> *Sūtra-*°, *vinaya-*°, *mātrkā-dhara*, also at Guṇ-VinSū 108,17.

<sup>51</sup> Vin II 84,24-37 (= 97,21-24), 97,17-99,19 with Sp 1198,7-30; Kkh 154,17-27 ≠ Ps IV 43,26-44,13 ≠ Sv 1041,25-37 (cf. Mp II 166,4-5). Chin. data are summarized in Hōbōgirin V 437a17-443b22.

This vote is not valid when resorted to for the settlement of trifling matters; when the case has not been thoroughly investigated in different places; when no one remembers it; when those holding the wrong opinion are known to be in the majority, or the distributor of ballots expects so; when the vote may lead to a split in the Order, or the distributor expects so<sup>52</sup>; when those holding the wrong opinion take several ballots each, or when several of their opponents take only one, or when opportunists vote against their own opinion<sup>53</sup>.

The distributor of ballots is to control the proceedings by one of three methods, so as to avoid the dissatisfaction of monks who would then go from monastery to monastery in search of a more suitable decision. As for the first two methods, in case the wrong party wins, the result of the vote may be rejected up to three times; according to Sp, the repetition of the whole proceedings should be postponed until the next day, allowing the distributor to cause dissent among the wrong party.

(i) The voter is made to choose between two clearly different ballots, after being informed openly about which opinion each one symbolizes; the selected ballot is not to be shown to anyone; this is known as “secret vote” (*gūlhakam*), and is particularly appropriate, according to Sp, when the majority side with the wrong party;

(ii) the method is the same as (i), except that the voter is to be informed confidentially; any elder monk who picks up the wrong ballot should be reminded about the proper behaviour that goes with old age; if he still does not understand, he should keep silent about the whole matter;

<sup>52</sup> In both these latter cases, BD 5 111-112 “when he even thinks [that things could take such a turn]” is inaccurate (Sp 1192,30 *ayam assa ajjhāsayo*; cf. Hōbōgirin V 439b25-30).

<sup>53</sup> Vin II 85,1-14 with Sp 1192,20-1193,10.

this is known as “whispering in the ear” (*sakanna-jappakam*), and is particularly appropriate, according to Sp, when incompetent monks are in the majority;

(iii) ballots may be picked up openly (*vivatena*) when the distributor is confident that those who hold the right opinion are in the majority.

**BHS** *yo-bhūyasika* (scil., or followed by, *śamatha* / *samatha*): BhīVin(Mā-L) 300,3 (misprinted *°bhu*°); PrMoSū(Mā-L) 35,9.

**Skt.** *yad-bhūyasikīya-śalākāgrahaṇa*, n.: (Mū) Adhik-v 79,5 (v.l. *yad-bhūyoṣika-ś*°). — *yad-bhūyasikīya*: Mvy 8634 (v.l. *yad-bhūya aisiṣkāya*).

*yad-bhūyeṣikā*: (Sa) PrMoSū 60 (AS yy, r°1), 170 (BP n, r°3).

*yad-bhūyeṣīya*<sup>54</sup>: (Sa or Mū) SHT(VI) 111 (1388, v°3). — (Mū) PrMoSū(Mū)<sub>2</sub> 54,5 (misprinted *°sipā*-6).

*yadbhūyaṣika(-śalākāgrahaṇa)*: (Mū) Adhik-v 88,28, 89,4 (misprinted *°śika*), 16, 94,24, 95,2,8.

*yad-bhūyaṣīya*: — (scil. *adhikaranaśamatha-dharma*) (unid. sch.) SHT(IV) 255 (623 Bl.35, r°7). — (scil. *karman*) (Mū) MSV(D) II 207,12. — (*°śalākāgrahaṇa*) (Mū) Adhik-v 88,26, 89,3.

*śalākā-cāraka*, m(fn.), “distributor of ballots”: (Mū) Adhik-v 89,18 sqq.

*śalākā-cārana*, n., “vote”: (Mū) Adhik-v 90,2 sqq.

Four methods of control are set out at Adhik-v 90,2 sq.: *channa* (Pā. *gūlhakam*), *vivṛta* (Pā. *vivatena*), *sakarṇa-tuntunaka* (Pā. *sakanna-jappakam*), and *sarvasāṃghika*, “[vote] by the whole chapter” (?)<sup>55</sup>.

<sup>54</sup> Among the following variants, the frequency of those ending in *°ṣīya* (analogical to *tat-svabhāvaṣīya* [see below, § 2c] ?) seems to exclude a “secondary corruption” (BHSD s.v. *yadbhūyasikīya*).

2 c. Disputes about censure (§ 1b above) are to be settled by one of the following verdicts:

(i) A fourfold *sammukhā-vinaya* (§ 2a above) alone, involving a thorough investigation of the charge<sup>56</sup>.

(ii) A verdict of innocence (*sati-vinaya*), based on the censured monk's mindfulness and own conscience (*sati*), by which he may deny an unfounded charge. Such a verdict is valid only if the monk is actually innocent, but has been censured nonetheless, if he makes a formal, threefold application to a regular chapter for this specific decision, and if this same chapter actually carries out a valid, fourfold procedure (see SVTT I, § 3d) to the same purpose (involving *ipso facto* a fourfold *sammukhā-vinaya*). According to Kkh and its parallels, such a verdict applies to none but Arahants — i.e., the likes of Dabba Mallaputta (Vin II 74,25-29), on whose account it is said to have been first prescribed<sup>57</sup>.

(iii) A verdict of past insanity (*amūlha-vinaya*), by which unawareness when committing an offence, and lapse of memory during the settlement procedure, may be invoked by a censured monk. Such a

<sup>55</sup> Explained as follows at 90,24-31, but not quite clear to me (cf. Hōbōgirin V 443a36-b4): *yathāpi tac chalākā-cārakasya bhikṣor evam bhavati, asminn āvāse prabhūtā bhiksavo glānāḥ, aham ced <asamniṣanne>* [editor's addition ?] *asamnipatite sarva-samghe śalākām cārayeyam sthānam etad vidyate prabhūtā bhiksavah adharma-śalākām grhṇiyuḥ* [sic ed.] *na tv* [corr. *yan* *nv* ?] *aham sarva-samghe samniṣanne samnipatite śalākām cārayeyam iti sa sarva-samghe samniṣanne samnipatite śalākām cārayati, idam ucyate sarvasāṃghikam śalākā-cāraṇam.*

<sup>56</sup> KKh 154,28-33 = Sv 1041,38-1042,6 = Ps IV 44,12-20 ad MN II 247,10-18. Cf. (Mū) Adhik-v 95,8-18.

<sup>57</sup> Vin II 99,20-100,14 ≠ I 79,37-80,31 (cf. III 158,2-163,18) with Sp 1192,1-13; KKh 154,33-38 = Sv 1042,6-11 = Ps IV 44,20-25 ad MN II 247,28-248,4; cf. Mp II 165,34-35. Cf. (Mū) Adhik-v 95,18-98,17.

verdict is valid only if the latter acts in good faith, with further proceedings, *mutatis mutandis*, as in (ii) above<sup>58</sup>.

(iv) A verdict of obstinate wrongness (*tassa-pāpiyyasikā*), given against a convicted offender who tries to equivocate about the offence committed. It applies to unscrupulous monks who are charged either with a Pār., or with minor offences connected with the commission of the latter<sup>59</sup>. If the sentenced monk observes the duties and restrictions prescribed in such a case<sup>60</sup>, the verdict may be revoked by a procedure of reintegration (*osāranā*); if not, it amounts to expulsion (*nāsanā*). It is valid only if the censured monk is actually misbehaving, unscrupulous and fault-finding, if he does eventually acknowledge some offence (cf. below, § 2d.i) after due inquiry, and if the fourfold procedure (implying a fourfold *sammukhā-vinaya*) has been carried out according to rule by a regular chapter<sup>61</sup>.

In (Mū) Adhik-v and Guṇ-VinSū, this latter verdict does not apply to disputes about censure, but to those about offences (see below, end of § 2d.ii).

<sup>58</sup> Vin II 100,14-101,5 ≠ 80,32-83,9 with Sp 1192,14-19; Kkh 154,38-155,4 ≠ Sv 1042,12-20 ≠ Ps IV 44,25-45,6 ad MN 248,5-20. Cf. (Sa) KaVa § 117; (Mū) Adhik-v 98,19-100,20.

<sup>59</sup> According to Sp 1199,1-3, either a Dukk. (in connexion with the first Pār.) or a Thull. (in connexion with the second, third and fourth Pār.).

<sup>60</sup> These restrictions are very similar to (according to AN IV 347,7-15 with Mp IV 160,13-17), or identical with (as referred to in an abridged form at Vin II 86,22-28, *prima facie* to be filled in with II 5,6-15) those to be observed when a procedure of blame (*tajjaniya-kamma*) applies; all of them imply a suppression of the rights and duties of a regular, influential monk (e.g., appointment as an exhorter of nuns, or acting either as preceptor or instructor of a novice).

<sup>61</sup> Vin II 101,5-102,10 with Sp 1199,1-11; II 85,15-86,30 with Sp 1193,12-20; Kkh 155, 4-11 ≠ Ps IV 45,6-14 ≠ Sv 1042,20-27.

BHS *amūḍha-vinaya* *śamatha*: PrMoSū(Mā-L) 35,6; *amūḍha*: BhīVin(Mā-L) 300,2.

*tasya pāpeyasika*: BhīVin(Mā-L) 300,3. — *tasya pāpeyasika* *ś*: Prakīrṇ(Mā-L) 328,10; PrMoSū(Mā-L) 35,8.

*smṛti-vinaya* *śamatha*: PrMoSū(Mā-L) 35,5. — *smṛti*: BhīVin(Mā-L) 300,2.

Skt. *amūḍha-vinaya*: (Sa) Finot 538,7; KaVā 46-47 (94,2,5); PrMoSū 59 (AS xx, v°3). — (Mū) Adhik-v 59,5\*, 95,11, 97,14, 98,19 sqq.; Guṇ-VinSū 109,15 (referred to as *asāmūḍha* ib. 123,23\*); MSV(D) II 207,12; Mvy 8633. — (unid. sch.) SHT(IV) 255 (623 Bl.35, r°6).

*tat-svabhāvānvesika* (*scil. bhikṣu*), an accused monk "subjected to an inquiry about his real nature"; also as *abstr.*, m. or n., corresp. to Pā. *tassa-pāpiyyasikā*: (Sa?)<sup>62</sup> SHT(V) 47 (1057 a, v°5).

*tat-svabhāvānvesikā*, in a more general sense "inquiry about facts": (unid.sch.) SHT(V) 43 (1055 Bl.51, r°1), 158 (1160 Bl.49, r°4, v°1).

*tat-svabhāvaiṣatata(?)sita)tva* *tat-prabhāvaiṣi(?)sī)yatva* (editor's bracketed, question-marked corrections): (Mū) Guṇ-VinSū 109,31-32 (referred to as *tat-svabhāva* ib. 123,23\*).

*tat-svabhāvaiṣiya*: (Sa) Hoernle, MR 12 (3, r°2).

*tat-svabhāvaiṣiya*: (Mū) Adhik-v 59,6\*, 97,18, 100,25, 106,14 sqq., 110,6; MSV(D) II 207,12. — (unid. sch.) SHT(IV) 255 (623 Bl.35, r°7).

*tat-svabhāvaiṣṭika*: (Sa) PrMoSū 59 (AS xx, v°5).

*smṛti-vinaya*: (Mū) Adhik-v 95,11 sqq.; Guṇ-VinSū 109,15; MSV(D) II 207,11; Mvy 8632. — (unid. sch.) SHT(IV) 255 (623 Bl.35, r°6). — *smṛti*: Adhik-v 59,5\*; Guṇ-VinSū 123,23\*.

<sup>62</sup> The form *sthūlārti-gāminī āpatti* (corresponding to Pā. *thullaccaya*, BHS/Skt. *sthūlātyaya*) occurs ib. b, v°4; see (Sa) VinVibh(R) 16-17, 30 (M 139, v°1 sq.; S 171, r°1 sq.).

**2 d.** Disputes about offences (§ 1c above) are to be settled according to their gravity. Among the seven traditional rules for settlement, the last two apply *per se* neither to seriously culpable offences nor to those committed against lay people, but only to “light” offences<sup>63</sup>.

(i) A settlement may be reached by acknowledgement (*patiññātakarana*) of his offence by a guilty monk, in the presence of either one or several monks (implying a threefold *sammukhā-vinaya* in both cases), or before a duly assembled chapter (implying a fourfold *s°-v°*), who will issue a formal warning, with no procedure required<sup>64</sup>.

<sup>63</sup> *Lahukā āpatti*, i.e. all those of the fivefold Pātim. classification (as listed above, n. 21), except the “seriously culpable” (*thullavajā āpatti*) Pār. and Samgh. Although the penalty applying to each of the last two may by no means be carried out without the accused monk's preliminary acknowledgement of his offence (cf. below, n. 64) before formal confession (*āpatti-desanā* [of Samgh. and lighter offences]), these are not sufficient in themselves: a Pār. offence entails complete exclusion from the community, with no room (*an-avasesa*) for formal confession, and therefore no possible settlement (Vin V 153,25-27 with Sp 1358,11-13); a Samgh. offence entails a kind of boycott (*mānattha*; see SVTT III) and a period of probation (in case the offence was concealed for some time before being acknowledged), both to be applied for by the guilty monk to the chapter, after he has proceeded to acknowledgement and formal confession, and to be carried out by regular procedures and under supervision of the same chapter (Vin V 153,5-10). This is why the Pār. and Samgh. offences are termed *a-desanāgāmīnī āpatti*, “offences that cannot be redressed by mere confession”, as opposed to the *desanāgāmīnī* “light” offences (the highly complex provisions for accusation and confession — see v.Hi., buddhist Law 22, 23-24 — will be investigated elsewhere).

Offences against lay people are to be redressed, after preliminary acknowledgement, by a procedure of reconciliation (*pañsaraniya-kamma*).

<sup>64</sup> Vin II 83,10-84,19, 102,11-103,24; Kkh 155,12-25 ≠ Ps IV 45,14-46,3 ≠ Sv 1042,28-1043,4 ad MN II 248,21-31. Cf. (Mū) Adhik-v 100,23-102,3 (whatever the editor's brackets mean, 101,26,29 <an> should not, logically, occur at this place).

*Continues...*

(ii) When the dispute involves several persons in each faction, and acknowledgement to each other might make things worse, it may be covered up “as with grass” (*tīna-vatthāraka*, -*pattharaka*<sup>65</sup>). Each step of this settlement involves a fourfold *sammukhā-vinaya*. First of all, both factions are to meet so as to form a single, regular chapter, whom a monk acting as chairman will ask whether they agree with the proposal to settle the case in this way; one monk from each faction is then to ask those siding with him whether they agree to his acknowledging their offences on their behalf, together with his own; each of these three procedures consists of a motion (see SVTT I, § 3b). The monk acting on behalf of each party is then to request the chapter to accept this collective acknowledgement and to cover up the dispute, thereby cancelling all accusations; each of these requests is to be made through a twofold procedure (see SVTT I, § 3c).

Acknowledgement is indeed the prerequisite for any further penalty; in no case may the latter be inflicted by using force (Vin II 83,10-84,19; Kkh 155,23-25; Sp 1397,7-10 ad Vin V 220,10-11; (Mū) Adhik-v 104,1-3; cf. v.Hi., Buddhist Law 11; Gombrich, Thv Buddhism 108-109). According to Sp 624,10-16 (ad Vin III 183,5-6), 1360,31-1361,5 (ad Vin V 158,19\*-28\*), one should deal with a scrupulous (*lajjī*) monk according to what he acknowledges; with an unscrupulous one; according to his behaviour (*vatta*; Vin V 158,20 [E°] reads *vutta*); a monk's acknowledgement is to be trusted if consistent with his behaviour. He may be charged with an offence after due, regular inquiry, whether he acknowledges either or both the fact (*vatthu*) and the offence (*āpatti*) it entails; if he acknowledges neither, he should not be charged; the latter case is then, presumably, liable to give rise to a controversy about the offence in question (see above, § 1a). If a monk equivocates about the offence committed, the verdict of “obstinate wrongness” (§ 2c.iv above) applies; if he acknowledges it, but refuses to proceed to formal confession, a procedure of suspension (*āpattiya adassane ukkhepaniya-kamma*) will be carried out against him.

<sup>65</sup> See above, n. 27.

This specific settlement is valid only for those actually present — be they ill, asleep, absorbed in meditation, or distracted — and who do not object<sup>66</sup>.

(Mū) Adhik-v 108,7-110,3 prescribes no procedures: the most eminent, respected elder in each party is to approach both the monks he sides with — to secure their agreement — and those of the opposite party, in front of whom he will acknowledge the offences committed on his side; if no one objects, the dispute is sanctioned as covered up.

Both this text (95,8-11, 100,23-26, 106,14-108,5) and (Mū) Guṇ-VinSū 109,30-31 add here the settlement by “investigation of [an accused monk’s] real nature” (see above, end of § 2c.iv), the provisions of which correspond to those of the fourth Thv(M) verdict applying to disputes about censure.

**BHS** *pratijñā*: BhīVin(Mā-L) 300,2. — *pratijñā-kāraka śamatha*: PrMoSū(Mā-L) 35,7.

*trna-prastāraka* (scil., or followed by, *śamatha*): BhīVin(Mā-L) 300,3; PrMoSū(Mā-L) 35,10.

**Skt.** *pratijñā-kāraka* (scil., or followed by, *adh-°k-°ś°*): (Mū) Adhik-v 100,25 sqq., 110,6; Guṇ-VinSū 109,17; MSV(D) II 207,12; Mvy 8637. — (unid. sch.) SHT(IV) 255 (623 Bl.35, r°7-v°1).

*pratijñā-karṇiyam karma*: (Mū) MSV(D) II 207,10.

*pratijñāna*, m. or n.: (Mū) Guṇ-VinSū 109,30.

*pratijñā-vinaya* (scil. *adh°-k-°ś°*): (Sa) PrMoSū 284 (KH, v°2).

<sup>66</sup> Vin II 103,24-104,10, 86,31-88,7 with Sp 1193,21-1194,17; Sp 1355,28-34 ad Vin V 151,1; Kkh 155,25-34 ≠ Ps IV 46,3-15 ≠ Sv 1043,5-15 ad MN II 250,1-21.

*trna-prastāraka* (scil., or followed by, *id*): (Sa) PrMoSū 95 (BA y, r°5). — (Mū) Adhik-v 59,6\*, 100,26, 108,7 sqq., 110,6-7; Guṇ-VinSū 102,31, 109,18; MSV(D) II 207,13; Mvy 8636. — (unid. sch.) SHT(IV) 255 (623 Bl.35, v°1). — *°-prastāraka* (?): (Sa) PrMoSū 170 (BP n, r°4).

**2 e.** Disputes pertaining to formal procedures (§ 1d above) are to be settled by a fourfold *sammukhā-vinaya* only<sup>67</sup> (see SVTT I, § 1 and n. 5-6).

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<sup>67</sup> Vin II 104,8-9 ≠ Kkh 155,35-36 = Ps IV 46,15-16 ≠ Sv 1043,16-17.

III. *mānatta, parivāsa, abbhāna-kamma*

0. Within the five categories of offences of the Pātim. (see SVTT II n. 20), the Saṅgh. are the only ones whose redress may not be achieved without the supervision of a regular chapter, through penalties (*mānatta* and *parivāsa*) whose end is marked by re-admission (*abbhāna*) to the status of a fully regular monk/nun. Both *mānatta* and *parivāsa* — however intricate their particulars may be —, and re-admission, are to be granted through the most elaborate, fourfold procedures (see SVTT I § 3 d)<sup>1</sup>; whereas the smallest quorum of four monks/nuns is sufficient as far as penalties are concerned, re-admission is the only procedure whatsoever that requires the biggest quorum of all, numbering twenty (see SVTT I § 2). Each of the procedures involved should include full details about the circumstances of the case — however complex it may turn out to be — to be given both by the guilty monk and by the chairman<sup>2</sup>.

The relevant dispositions are set forth very briefly at the end of the Saṅgh. section of the Pātim.<sup>3</sup>, and, with full details, in the Parivāsa-<sup>4</sup> and Samuccaya-kkhandhaka<sup>5</sup> of the Cullavagga.

<sup>1</sup> Vin III [bhu] 112,26-30' (with Sp 522,2-16 = Kkh 35,21-27; = Sp 1351,27-33 ad Vin V 148,28\*) = 185,37-186,3' = IV [bhi] 225,8-12' = 242,10, truncated E' to be filled in with 237,19-20, whose Pāli text refers by *pa* to 235,4-5, the latter truncated in E', up to 225,8-12'. Saṅgh. offences are said to be "redressed through what others state" (*para-vācāya vutthāti*, Vin V 124,31), that is, by the procedures of probation, etc. (Sp 1329,9 *parivāsa-kammavācādīhi vutthāti*).

<sup>2</sup> Vin II 38,12-39,14; cf. Sp 1173,10-17, 1351,26-33, and below, n. 44.

<sup>3</sup> Vin III 186,11-24 with Kkh 48,16-51,35, Sp 629,23-630,8; cf. Vin-vn 504-540, Khuddas II 10-11.

<sup>4</sup> Vin II 31,3-37,33 with Sp 1159,22-1169,13; cf. Vin-vn 2751-2759.

III. *mānatta, parivāsa, abbhāna*

1. *Mānatta* (n.)<sup>6</sup> applies either alone — when the offence was acknowledged as soon as committed — or following a period of probation (see below, § 2-3 d) — when it was concealed for some time.

After immediate, due acknowledgement and confession of his offence<sup>7</sup>, the guilty monk is termed *mānattāraha*, "liable to *m°*" (Vin II

<sup>5</sup> Vin II 38,3-72,29 with Sp 1169,15-1191,14; a convenient recapitulation of this Khandhaka occurs at Sp 1189,6-1191,14. Skt. Mū parallel: MSV(D) III 32,13-58,12 (last part of the Pāṇḍulohitaka-vastu), 61,1-88,10 (Pudgala-vastu), 93,1-103,1 (Pārivāsika-vastu); cf. Guṇ-VinSū 104,30-106,6; summary of the Tib. version: Banerjee, SarvLit 227-232.

<sup>6</sup> Traditional etymology points to some kind of "conciliation", "conciliatory measure" (BHSD suggests <*māna-tva*, "condition of (paying) respect"): Kkh 51,11-13 = Sp 629,29-30: *bhikkhu mānattāyā ti bhikkhūnam mānana-bhāvāya; ārādhanatthāyā ti vuttam hoti*. — (Sa) PrMoSū 212 [DDa, v°3] *bhiksū[sic] nām cittam ārādhayamāno*. — ChinSp 404 [7]: "mānatta, that is to say in Chinese, to control self-elation; that is, to have humility in one's mind" (for further Chin., and Tib. evidence, see BHSD s.vv. *mānatva, mānāpya*; BHSD's definition of *mānatva*, "a kind of penance which is superimposed, after *parivāsa* ["probation"], on a monk guilty of a *saṅghāvāšeśa* offence which he has concealed", is misleading: *mānatva* applies in all cases, whether the offence was concealed or not).

<sup>7</sup> Cf. SVTT II n. 63-64. Dutt states that "for this disciplinary measure [of *parivāsa* and *mānatta*] confession is not a necessary pre-condition. [...] The two penalties are inflicted together in case of non-confession; only *mānatta* is inflicted in case of confession" (EBM 137, 139). This is quite beside the point, which is not confession, expected to occur in any case; if it does not, the relevant procedures are that of suspension for "refusing to see/to redress one's offence, or to give up wrong opinions" (*āpattiya adassane/appatikamme, pāpikāya ditthiyā appatinnissagge ukkhepaniya-kamma*). The point here is the time that did, or did not, elapse between commission and confession of the Saṅgh. offence. This is made quite clear when one brings together the relevant occurrences of (*a*)*kāma*, "(un)willing": a monk who committed such an offence and *is willing* to redress it should apply for this purpose to a regular chapter (Sp 522,4-8 = 1351,27-31 *imam āpattim āpajitvā vutthātu-kāmassa, yan tam āpatti-vutthānam* [...] *saṅgho icchitabbo*); in doing so, the one who first concealed his offence *will* apply knowingly for probation, then *mānatta*, to be undergone "against his own

35,11-22), whereby he becomes subject to the same restrictions as those applying in the case of probation (see below, § 2 a). He should then make a formal, threefold application for *mānatta* to a regular chapter, numbering four monks at least, who will grant it through a fourfold procedure<sup>8</sup>. According to Sp, a monk who has committed several Samgh. offences may state each of them during the same session. Once the procedure is over, he should immediately formally undertake the observance of *mānatta*, and announce it before the same chapter. This is called *appaticchanna-mānatta*, “*m°* [applying to an] unconcealed [offence]” (Sp 1171,1-3 ≠ Kkh 51,14-16).

**BHS** *mānatva*, n.: BhiVin(Mā-L) 17,17, 63,2 sq., 163,25\*\*; Prakīrṇi(Mā-L) 328,7; PrMoSū(Mā-L) 12,10.

**Skt.** *mānatva*, n.: (Sa) Finot 487,11.

*mānāpya*, n.: (Sa) Hoernle, MR 12 (3.2); PrMoSū 84 (BAf, v°4). — (Sa?)<sup>9</sup> SHT(V) 22 (1039, v°3). — (Mū) BhiKaVā(S) 246,5, 247,31, 270,15; Guṇ-VinSū 102,23, 104,18,30, 106,1 (ed. *mānāsyā* throughout); MSV(D) II 154,14, 157,16-17 (= KC, Kath-v 53,27, 55,35), 207,16, III 43,1, 44,7 sqq., 56,3 sqq., 61,18, 67,4, 71,9 sq., 94,13, 100,11 sqq., etc.;

will” (Vin III 186,14 *akāmā parivatthabbam* with Sp 629,27 = Kkh 49,4 *akāmena avasena*). This voluntary self-submission and “relatively dignified humiliation” (Carrithers, Forest Monks 145) are stressed by the very structure of all the disciplinary procedures involved: none is valid without that part of the procedure by which this very monk himself, being “desirous of redress” (*vuṭṭhātu-kāma*), applies for the right penalty to be granted to him (cf., e.g., (Mū) MSV(D) III 79,14-83,6) — in striking contrast both with the procedures of suspension, then reintegration, during which the guilty monk plays no active part (cf. Vin II 21,22-22,6 *ādi* with 38,12-39,14 *ādi*), and with the heavier penalties incurred in the latter case (cf. below, second part of n. 19).

<sup>8</sup> Vin II 38,3-39,14 with Sp 1170,28-1171,29.

<sup>9</sup> *sthūlārti* occurs in r°3, r°4 (cf. SVTT II n. 62); ed. *carita[m]=ā[v]āpya* is to be read *carita-mānāpya*.

Mvy(M) 265,14,17; PrMoSū(Mū) 22,1<sup>10</sup>. — *mānāpya* (misprint?): (Sa) PrMoSū 41 (ASq, r°2).

1 a. From now on, the monk is termed *mānatta-cārika*, “undergoing *m°*”, and should observe, during a fixed period of six days, ninety-four restrictions that can be summarized as follows<sup>11</sup>.

He is to be denied, and should refuse, both outward marks of respect from regular monks<sup>12</sup>, and the latter's assistance in everyday life (such as

<sup>10</sup> So GBM(FacEd) X.1, 21 (31.1); ed. *mānatta* is erroneous.

<sup>11</sup> The full account of restrictions set forth at Vin II 31,4-34,20 (with Sp 1159,22-1170,5) applies to monks undergoing probation, and is then summarized (and truncated in E°) at Vin II 35,23-36,28 (with Sp 1170,20-25) as applying both to *mānatta-cārika*-s and to the four other groups mentioned below, n. 12, with reference to 31,4 sqq., except when specific restrictions need to be detailed. For the sake of clarity — and with the support of Sp 1173,20-24 ≠ 1189,1-5 — the following account reverses the order of the Pā. text and incorporates these specific restrictions. Skt. Mū. parallel: MSV(D) III 96,20-102,4.

<sup>12</sup> That is, according to Sp 1160,5-7 (cf. 1169,7-8), all monks, except those ordained later than he who happen to undergo just the same penalty at the same time. The more detailed explanations given at Sp 1170,7-14 point to the restriction of assistance and outward marks of respect to members of equal or lower seniority *within* each of the five groups of monks affected by the disciplinary consequences of a Samgh. offence: those undergoing probation (*pārvāsika*), those “liable to be sent back to the beginning” (*mūlāya patikassanāraha*) of the relevant penalty (see below, § 3 a), those liable to *mānatta* (*mānattāraha*), those undergoing this latter penalty (*mānatta-cārika*), and those “fit for re-admission” (*abbhānāraha*) as fully regular monks (see below, § 6). Vin II 33,22-23, 35,1-3, 35,17,19-20, 36,10,14, 37,6-7,10-11 accordingly state that monks within each of these penalized groups may not dwell under the same roof as senior monks from the same group (according to Sp 1168,14-1169,6, doing so entails a “break” [*ratti-ccheda*, see below, end of § 1 a] and/or a Dukk. for either or both monks). To sum up, a regular monk is either a fully regular one, or one who undergoes any of the four other penalties entailed by a Samgh. offence, or a senior monk who undergoes just the same as oneself. The relativity of the concept of regular status is further stressed by the

providing seats and water, or rubbing each other's back when bathing); failing to do so, he adds a Dukk. offence to the Samgh. one. Should other monks be liable to the very same penalty (see above, n. 12), they are considered as a group among whom both outward marks of respect and a set of five activities should be observed according to seniority<sup>13</sup>: proceeding to the fortnightly recitation of Pātim. rules (*uposatha*) and to Invitation (*pavāranā*), getting one's share of clothes for the rainy season (*vassika-sātikā*), passing one's turn during the distribution of meals (*onojana*)<sup>14</sup>, and getting one's share of food (*bhatta*)<sup>15</sup>.

A monk undergoing *mānatta* is further to abstain from the following: granting ordination; giving guidance to newly ordained monks; being waited upon by novices; being appointed as exhorter of nuns, or actually

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fact that a suspended monk (*ukkhittaka*) is indeed, as far as concealment of Samgh. offences is concerned, considered as regular (see below, n. 19).

<sup>13</sup> According to Sp 1160,25-1161,6, this separate group should sit at the lower hierarchical rank (that of newly ordained monks), where they are to attend or to perform separately the procedures in which they may take part.

<sup>14</sup> According to Sp 1161,6-18, *onojana* (Vin II 37,20\* *onōja*, instead of which Siam. edn. has *avanojana* [BD V 54 n. 3], both these latter forms missing in CPD) means giving away (*vissajjana*) one's share of the food to be distributed at pre-arranged meals (*uddesa-bhattādi*, i.e. *uddesa-bh<sup>o</sup>*, *nimantanā*, *salāka-bh<sup>o</sup>*, *pakkhika*, *uposathika*, *pātipadika*: allotted meals, invitations, meals apportioned by tickets, those offered fortnightly, or on *uposatha* days, or on the following day; see refs. in CPD s.v. *uddesa-bhatta*). If the penalized monk is scheduled to receive a share of such a meal, but expects to get a meal personally (*puggalika-bhatta*) on the same day (reading *aññā ca'ssa* with Bp. and C<sup>o</sup> (SHB 1948) 860,33), he may reserve this share for the next day, by giving it (i.e., entrusting his right to it) to a regular monk. This disposition is meant to help penalized monks, who have to sit at the lower hierarchical rank for all purposes, and might therefore not get a fair share of food.

<sup>15</sup> According to Sp 1161,18-23, if a penalized monk cannot manage either to join, or to stay in, the row of monks waiting for food, he may move right to where the distributor stands, and help himself "like a swooping hawk" (cf. Sp-y, quoted in CPD s.v. *o-sakkati*).

exhorting them if appointed before he became liable to *mānatta*; committing another Samgh. offence, or a graver one (i.e., a Pār.); criticizing either the procedure by which he was granted *mānatta*, or those who carried it out; suspending (on account of some irregularity) the participation of a regular monk either in the fortnightly recitation of Pātim. rules, or in Invitation; issuing commands; occupying a superior position; urging a monk to acknowledge an offence<sup>16</sup>; quarrelling with other monks; walking or sitting before a regular monk; receiving anything but the worst seat, bed, and dwelling-place; visiting, with a regular monk, families the latter is used to calling on; undertaking ascetic vows; having food brought to him in secret; living away from regular monks; visiting monks who belong to another community, or monks who belong to his own when he cannot reach there on the same day, without being accompanied by a regular chapter (of four), unless in case of emergency; dwelling under the same roof as a regular monk; standing, sitting or walking on the same level as the latter, or on a higher one. He should inform any monk he meets of his status, and report daily on his case to a regular chapter<sup>17</sup>, especially on *uposatha* and Invitation days, sending a monk as messenger to do so on his behalf if he is ill. He may not help make up the quorum required for any procedure connected with penalties involved by Samgh. offences.

Among the above restrictions, infringement of any of the following four is considered as a "break" (*ratti-ccheda*) in the observance of *mānatta*, entailing an extension by the same period of the initial fixed

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<sup>16</sup> Vin II 32,10 *na okāso kāretabbo, na codetabbo, na sāretabbo*, i.e., the first three regular stages of asking permission (*okāsam kārāpetvā*) from the suspected monk to talk with him about his offence, of reproving (*codetvā*) him about it, and of reminding (*sāretvā*) him of it; the fourth stage is charging (*ropetvā*) him with it (see, e.g., Sp 624,7-18).

<sup>17</sup> He may do so in whatever words he pleases, provided he gives full details (Sp 1171,20-29).

period of six days: dwelling under the same roof as a regular monk; living far from, failing to report daily to, or going about unaccompanied by, a regular chapter of monks who belong to the same community as he does; according to Sp, doing so knowingly entails both a break and a Dukk. offence.

*Mānatta* may however be postponed (*nikkhipitabba*) if it becomes objectively difficult to observe it properly; this interruption is to be announced formally, either among a regular chapter or, if that is impossible, in front of one or several regular monks; the observance should then be formally resumed (*samāditabba*) in the same way, as soon as possible<sup>18</sup>.

2. If the Samgh. offence was concealed (*paticchanna*) knowingly<sup>19</sup> for any length of time before being acknowledged and confessed, a

<sup>18</sup> Vin II 36,25-28 (to be filled in with 34,3-20); Sp 1171,29-1172,33; Kkh 50,13-29 (Mū parallel: MSV(D) III 102,5-103,14). According to Sp 1162,1-5, a monk undergoing *mānatta* may be required to act either as preceptor or instructor of a novice during the procedures involved in ordination; in such a case, he may postpone his observance for the time being. From then on, and until he formally resumes *mānatta*, his status is that of a regular monk (*pakatatta*; Sp 1171,29-1172,33; cf. below, n. 27, n. 50). Sp 1189,12-15 adds that if he commits one or several further unconcealed offences during this time, he is accordingly not liable to be sent back to the beginning of the postponed probation, but to *mānatta* only; if he commits one or several offences and conceals them, the general dispositions about simple or combined probation apply (see below, § 3-3 d).

<sup>19</sup> Vin II 55,14-39, 58,10-31, state that a monk should not be charged with concealing an offence when he does not know, or has doubts about, or cannot remember, having done so: although he does incur a penalty, only *mānatta* applies in his case (cf. (Mū) MSV(D) III 63,16-64,10; 65,11-15). According to Kkh 48,16-37 (reading *itthan-nāmā*, with C<sup>o</sup> (SHB 1930) 47,34, for E<sup>c</sup> 48,23 <sup>o</sup>-*nāmo*), Sp 1173,31-1176,17, five twofold criteria, that can be summarized as follows, determine concealment — the latter entailing a Dukk.: Sp 1176,3-4; cf. (Mū) MSV(D) III 86,10-87,14, (reading *duṣkṛtā* for ed. *duṣṭhulā* throughout:

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period of probation (*parivāsa*, m.) of the same length is to precede *mānatta*; the two penalties are accordingly termed *paticchanna-parivāsa*<sup>20</sup>, *p°-mānatta*<sup>21</sup>. Probation is to be granted, then undergone,

GBM(FacEd) X.6, 930 [209, r°3-6]): there is actually a Samgh. offence, and/or the agent thinks so; his status is that of a regular monk, and/or he thinks so (see below in this n.); he is exposed to some danger (which makes it impossible to go and talk to another monk), and/or thinks so (according to Vjb (B<sup>c</sup> 1960) 512,21-22, Sp 1175,4 should read *an-antarāyikassa pana*); he is physically able to tell about his offence, and/or thinks so; he plans to conceal it, and does so. Stating one's offence is valid when done in whatever words are relevant, in front of any monk who did not commit the same offence, and in a threefold manner: stating the case (*vatthu*), then the offence (*āpatti*) it entails, then both together.

In this precise context, regular status is defined by Kkh 48,27 ≠ Sp 1174,14-15 as that of a monk against whom no procedure of suspension (*ukkhepaniyakamma*) was carried out. Sp 1174,21-25 goes on to quote Vin V 219,20-24\*, and refers implicitly to the latter's commentary at Sp 1395,11-13: "since no monastic formality (*vinaya-kamma*) is carried out with the participation of a [suspended monk], he incurs no [blame], no matter whether he conceals a Samgh. offence". The reason is that an *ukkhiṭṭaka*, unlike a *mānatta-cārika* or a *pārivāsika* (cf. above, n. 12), is temporarily excluded from the community to which he belonged (*samāna-saṃvāsaka*) for all purposes (taking part in procedures — first of all, fortnightly *uposatha*, and *pāvaraṇā* at the end of monsoon retreat —, sharing gifts from donors, accounting for offences committed: Vin IV 135,30-35, 138,1-2', etc.; see KP, Simā 53-54, 62-65, 121-123). He is now considered as "one who belongs elsewhere due to a [disciplinary] procedure" (*kamma-nānāsaṃvāsaka*), which amounts to saying that he belongs nowhere (see Vin II 23,5-16; Sp 904,3-12 ad Vin IV 219,1). He is, therefore, not in a position (*a-pakattatta*) to make a valid acknowledgement of his offence (Vin V 187,16-18,20-22 with Sp 1375,5-7), or to apply for the penalty he incurs, or to report on his *pārivāsika* status (Sp 1167,3-5): this legal impossibility frees him from any blame in case of concealment. Matters are different if he was suspended *after* committing Samgh. offences (see below, § 4).

On the offences entailed by concealing from monks/nuns a Samgh. offence committed by another, and by revealing it to anyone who is not ordained, see below, n. 48.

<sup>20</sup> For the mere sake of formal symmetry with *appaticchanna-mānatta* (§ 1 above), Vin V 118,9, 121,9, 126,2, and Sp 1159,23-1160,1, mention an *appaticchanna-parivāsa*, "probation [applying to something] unconcealed"; this

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very similarly to simple *mānatta*<sup>22</sup>, through a formal, threefold application by the guilty monk, followed by a fourfold procedure carried out by a regular chapter<sup>23</sup>. According to Sp, a monk who committed several Samgh. offences may state each of them during the same session; as soon as probation has been granted to him, he should formally undertake the relevant restrictions, and announce it before the chapter<sup>24</sup>.

**BHS** *parivāsa*, m.: BhīVin(Mā-L) 324,1; Prakīm(Mā-L) 328,6; PrMoSū(Mā-L) 12,9.

**Skt.** *parivāsa*, m.: (Sa ?)<sup>25</sup> SHT(V) 22 (1039, v°1, v°4). — (Mū) Guṇ-VinSū 102,25; MSV(D) II 207,15; III 32,21 sqq., 34,20 sqq., 43,11 sqq., 55,6-7 sq., 61,13 sqq., 68,13 sqq., 94,12 sqq., etc.; Mvy(M) 265,11. — (unid.sch.) SHT(V) 116 (1121, B3).

**2 a.** Whatever its specific modes (see below, § 3 b-d), probation entails the same restrictions (with the same exceptions) as *mānatta* (see above, § 1 a), except on two points: a *pārivāsika* monk need not report daily to the Order on his case (but must still inform any monk he chances to meet of his status<sup>26</sup>); if accompanied by one regular monk, he may meet monks belonging to the same residence as himself. Accordingly, a

*ad hoc* coinage refers to quite another observance, *i.e.*, the probation to be undergone over four months by non-Buddhist male ascetics who are making their first application ever for ordination into a Buddhist community.

<sup>21</sup> Sp 1171,3-5 ≠ Kkh 51,16-17; Sp 1180,26-29.

<sup>22</sup> Compare Sp 1171,10-1172,33 (*mānatta*) ≠ 1177,14-1179,25 (*parivāsa*).

<sup>23</sup> Vin II 40,17-42,19, 43,11-17, 48,14-19; Sp 1173,18-1180,5.

<sup>24</sup> Sp 1178,17-23 ≠ 1171,21-28 ≠ Vin IV 127,11-17, 64th Pāc. (cf. below, first part of n. 48). About the ritual duties of *pārivāsika* monks according to Skt./Tib. Mū. texts, see Schopen, Lay Ownership.

<sup>25</sup> See above, n. 9.

<sup>26</sup> This is exemplified in the *nidāna* of the Thv(M) 64th Pāc., Vin IV 127,7-15 (cf. below, first part of n. 48).

one day break, entailing the extension of probation by the same amount, is incurred by the infringement of any of the three following restrictions: dwelling under the same roof as a regular monk, living away from monks, failing to inform them of one's status (Vin II 33,33-34,2).

If observing probation becomes objectively difficult, it may be temporarily suspended, then resumed, under the same conditions as *mānatta*<sup>27</sup>.

**3.** If several Samgh. offences are committed at the same time, or new, “secondary” ones (*antarāpatti*, f.)<sup>28</sup> are committed during the period

<sup>27</sup> Vin II 34,3-30; see above, end of § 1 a. According to Sp 1169,9-13, a monk under probation is entitled to take part in any procedure, except those connected with Samgh. offences, provided he formally postpones his observance for the time being. Sp 1179,28-32 adds that if he did so at the very end of the probation period, his subsequent application for *mānatta* is irrelevant (since his status has changed temporarily to that of a regular monk) until he is made to resume his observance, thereby shifting to the status of *parivuṭṭha-parivāsa*, “who has completed probation”, which makes him *ipso facto mānattāraha*, “liable to m°” (cf. above, n. 18; below, n. 50).

<sup>28</sup> Confused by CPD s.v. with *antarāyikāpatti* (see BD VI 172-173 n. 15; CPD II,2, top of p. 96b). At Vin V 115,10, the offences committed first are called *pubbāpatti*, “earlier offences”, as opposed to *aparāpatti*, “later ones”, *i.e.*, those committed while undergoing such penalties as probation (*pārivāsikādīhi pacchā āpannāpatti*, Sp 1319,31-32). Vin V 115,11 also mentions “offences secondary to the earlier/later ones” (*pubbāpattinām/aparāpattinām antarāpatti*), that is, according to Sp 1319,31-1320,1, secondary offences committed resp. during redress by “being sent back to the beginning” (*mūla-visuddhi*), and during redress by “evaluation” of the longest period (*aggha-visuddhi*) (*mūla-*° does not designate a “root” offence [so BD VI 173 n. 15], but obviously contrasts with *aggha-*°, these abbreviated terms standing resp. for *mūlāya patikassana* and *aggha-samodhāna-parivāsa* [see below, § 3 a-b], as stated explicitly by Vjb (B° 1960) 556,28-557,2). An alternative interpretation is that of the Kurundī, according to which *pubbāpatti* refers to earlier offences, *pubbāpattinām antarāpatti* to those committed while on probation, *aparāpatti* to those committed

of probation or of *mānatta*, or between the two, or between the end of *mānatta* and actual re-admission, they are to be dealt with differently, according to whether they were concealed or not.

A single period of six days' *mānatta* applies to several offences committed before undergoing this penalty.

**3 a.** Whatever their number, unconcealed secondary offences entail being “sent back to the beginning” (*mūlāya patikassana*) of whichever penalty — either probation or *mānatta* — the monk was undergoing, or had just completed, when he committed these new offences<sup>29</sup>.

**3 b.** Concealed secondary offences entail “combined probation” (*samodhāna-parivāsa*), *i.e.*, beginning probation again, for a period equivalent to the longest one during which any offence — either the first, or the subsequent one(s) — was concealed<sup>30</sup>. In Sp (cf. Kkh 50,38-51,10), this is called *odhāna-samodhāna*, “inclusive combination”, when only one former and one later, identical Samgh. offences are involved<sup>31</sup>; *aggha-samodhāna*, “combination with evaluation [of the longest period]”, when several, identical Samgh. offences are involved<sup>32</sup>; *missaka-samodhāna*, “combination applying to mixed [offences]”, when several, different Samgh. offences are involved<sup>33</sup>.

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when liable to *mānatta* (after probation), and *aparāpattinām* *antarāpatti* to those committed while undergoing *mānatta* (Sp 1320,1-5).

<sup>29</sup> Vin II 43,18-45,17, 46,8-33; Sp 1180,5-32.

<sup>30</sup> See BD V 65 n. 1 (first line: for “p. 169”, read “p. 140”).

<sup>31</sup> Sp 1182,18-1183,18 ad Vin II 48,20-49,32.

<sup>32</sup> Sp 1183,19-1184,5 ad Vin II 51,17-52,37; *aggha-samodhāno nāma sabhāgavatthukāyo* [see below, n. 44] *sambahulā āpattiyo āpannassa bahurattim* *paṭicchādītāpattiyaṁ nikhipitvā dātabbo* (Vjb (B<sup>c</sup> 1960) 513,21-22).

<sup>33</sup> Sp 1184,6-20 (cf. below, n. 44).

The dispositions set forth in § 3a-b apply whether the monk is able or not to identify precisely the secondary offences he committed<sup>34</sup>. The new probation and/or the final six days' *mānatta* apply to the totality of offences involved (although formally identical in all cases whatsoever, this latter penalty is called here *samodhāna-mānatta*, with the same three subdivisions as combined probation, by Sp 1188,16-31).

No BHS parallels have been traced so far.

In Skt. Mū texts, Pā. *odhāna-samodhāna* is represented by *mūlaparivāsa*, “probation back from the beginning”<sup>35</sup> — this is incurred by a monk under probation who commits a “secondary offence identical with the former one” (*antarāpatti pūrvāpatti-pratirūpā*), and conceals it; the final period of *mānāpya* is accordingly termed *mūla-mānāpya*<sup>36</sup>. The parallel to Pā. *aggha-samodhāna* is *mūlāpakaṛṣa-parivāsa*, “probation entailing being sent back [once again] to the beginning”<sup>37</sup> — this is incurred by a *mūla-pārivāsika* monk who commits a “[later] secondary offence identical with the [former] secondary one” (*pratyantarāpatti*

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<sup>34</sup> (a) *parimānāyo āpattiyo*, “(in)definite offences”, Vin II 62,6-31, that is, “(in)definite as to their exact determination” (*āpattipariccheda-vasena*, Sp 1190,27-28), which means that the monk is able or not to discern that the offence committed belongs to the Samgh. class (*jāti-vasena*, Vjb (B<sup>c</sup> 1960) 514,26 ad Vin II 68,25 *parimānam*; cf. below, n. 44). The Skt. Mū parallel is (a) *parimānavatī āpatti* (see BHSD s.v. *parimānavant*): MSV(D) III 69,8 sqq., 70,11, 72,7 sqq. (cf. Guṇ-VinSū 104,12-15).

<sup>35</sup> MSV(D) II 207,15, III 35,6 sq., 38,4, 41,16, 43,16-17 sqq., 47,20, 55,12 sqq., 74,2 sqq., 80,18 sqq., 96,11, 100,11 sqq., etc.; Mvy(M) 265.12. On this and the following terms, cf. BHSD s.v. *mūla* (3).

<sup>36</sup> MSV(D) II 154,15 (= KC, Kāṭh-v 53,27-28), 207,16, III 82,9 sq., 85,12 sq., 94,13 (misprinted *-o pānāpya*), 100,12 sqq., etc.; Mvy(M) 265.15.

<sup>37</sup> Often shortened as *mūlāpakaṛṣa*; Guṇ-VinSū 100,19 (cf. 102,26-27 *mūlāpakaṛmatva* ?); MSV(D) II 207,15, III 38,11, 39,10 sqq., 42,10 sqq., 47,21 sqq., 55,18 sqq., 74,5 sqq., 81,13 sqq., 94,12-13, 100,11, etc.; Mvy(M) 265.13.

*antarāpatti-pratirūpā*), and who conceals it. The final period of *mānāpya* is accordingly termed *mūlāpakarsa-mānāpya*<sup>38</sup>.

**3 c.** The dispositions set forth in § 3a-b do not apply in the following cases: when a monk who concealed two offences goes on concealing one while applying for probation on account of the other; when he applies for probation on account of one offence of which he is conscious, or remembers, or has no doubts about — then, while on probation, becomes conscious, or remembers, or does not doubt, that he committed another one at the same time; when he tries to be granted a reduced period of probation for each offence, or comes to remember, while on probation, that he concealed offences for longer than he had first thought. In all these cases, each offence entails its own, uncombined period of probation<sup>39</sup>.

**3 d.** If a monk does not know, or does not remember, or is in doubt about, the exact number of offences he committed, and/or the exact number of days<sup>40</sup> during which he concealed them, he should make a threefold application for, then be granted, an “absolving probation” (*suddhanta-parivāsa*) by a fourfold procedure<sup>41</sup>. According to Sp, the duration of this probation may be either short or long.

The duration of the shorter form is determined by the time that elapsed between the monk's ordination and the moment he ceased to be free from any Samgh. offence; one of its distinctive features is that it may

<sup>38</sup> MSV(D) II 207,16, III 94,13, 100,12 sqq.; Mvy(M) 265.16.

<sup>39</sup> Vin II 53,1-55,14, 56,1-58,10. Skt. Mū Parallel: MSV(D) III 61,19-62,19.

<sup>40</sup> *Āpatti-*°, *ratti-pariyanta* mean “definite number of offences/days” (Kkh 50,36-37 *āpatti-pariyantam pana ettikā aham āpattiyo āpanno ti jānātu vā mā vā*), and, as bhvr., “valid for [idem]” (both BD V 76 and CPD s.v. *āpatti-pariyanta* are somewhat misleading). Cf. below, second part of n. 48.

<sup>41</sup> Vin II 58,32-60,19 with Sp 1181,1-1182,16 (summed up at Kkh 50,31-38).

be lengthened or shortened (*uddham pi ārohati hetthā pi orohati*) according to circumstances: if the monk thinks he was guilty for one month, then remembers he actually was for two, probation is to be lengthened accordingly; if, when undergoing probation for two months, he comes to know for certain that he was guilty for one only, probation is to be shortened accordingly; furthermore, if the penalty turns out to be inappropriate, an offence is removed when the penalty is heavier than it should have been, but not when it is lighter.

The longer form applies when a monk cannot remember when he ceased to be free from any Samgh. offence; in this case, the length of the penalty should be determined by the time elapsed between his ordination and the moment he undertook observing probation; it cannot be made to run for longer (*uddham nārohati*). If the monk under probation comes to be certain about the period during which he was guilty, the penalty should be shortened accordingly (*hetthā pana orohati*).

No BHS parallel has been traced so far.

Skt. *śuddhāntika parivāsa*, m.: (Mū) MSV(D) III 72,11, 73,7.

**4.** If a monk on probation, or liable to be sent back to the beginning of the penalty, or liable to *mānatta*, or undergoing the latter, reverts to lay life or to the status of a novice, or is temporarily out of his senses, or feels acute physical pain, or undergoes suspension (*ukkhepaniya-kamma*, on account of an offence of a different type; cf. above, n. 19), the period spent on probation or *mānatta* is not cancelled, but the penalty should be taken up and completed if he reverts again to the status of a monk, or after he recovers from mental or physical illness, or after his reintegration

(*osāraṇā*); in the same circumstances, a monk who is fit for re-admission should be re-admitted<sup>42</sup>.

**4 a.** If the offences committed before these same events were disclosed after the latter took place, either probation or *mānatta* applies, depending on whether the offences were concealed or not — whether before or after these events; whether before or after the monk knew for certain, or remembered, or had no doubts anymore that he actually concealed them<sup>43</sup>.

**4 b.** If he committed secondary offences before these same events, when on probation, or when liable to be sent back to the beginning of the penalty, or when liable to *mānatta*, or when undergoing the latter, or when fit for readmission, he should afterwards be either sent back to the beginning of the penalty, or granted combined probation (depending on whether these new offences were concealed or not — no matter when), or readmitted. These dispositions apply whether the offences committed are definite or indefinite ([*a*]*parimāṇa*), designated by the same name or not (*eka-*°, *nānā-nāma*), identical or not (*sabhāga*, *vi-sabhāga*) within the Samgh. class, or belonging to one and the same kind or not (*vavatthita/sambhinna*) within this same class. These data should be weighed up carefully — especially when combined with those set forth above, § 3-3 b: in failing to do so, any irrelevant procedure is considered as null and void, and the monk against which it was carried out may object<sup>44</sup>.

<sup>42</sup> Vin II 60,21-62,5. Skt. Mū parallel: MSV(D) III 70,13-71,12.

<sup>43</sup> Vin II 62,33-65,18 (the text of 63,14-28 is defective; see SBE XVII 423 n. 2).

<sup>44</sup> Vin II 65,20-67,8; 68,24-72,16. Skt. Mū parallel (with slightly different combinations): MSV(D) III 64,11-70,12, 71,13-72,3, 72,13-73,14, 73,15-79,2; this latter text lists six degrees of redress, according to whether one or several procedures are invalid; the monk is expected to apply insistently for the necessary corrections to wrong procedures (79,14-83,6).

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**4 c.** When unable to cope with a monk who commits offences (including Samgh. ones) repeatedly, the chapter may subject him to the control of a monk adviser (*nissaya-kamma*)<sup>45</sup>.

**5.** According to Vin II 67,9-68,23, if two monks (i) commit a Samgh. offence and either think so, or are in doubt, or think it is a mixed<sup>46</sup> offence, or come to think it is a Samgh. after learning about the

On *parimāṇa*, see above, n. 34. As explained at Kkh 8,20-9,2 (cf. Sp 1064,10-13 *ad* Vin I 126,12-13), 49,29-50,7, *sabhāga* offences are, in this context, those — belonging to the same class — whose common element is the fact (*vathu-sabhāga*) which is constitutive of the offence and which gives the latter its key-word (*gotta*; BD IV 169 “class” is inaccurate) label (e.g., the paradigmatic *sāmcetanika sukka-visatthi*, “deliberate emission of semen” [first Samgh.], quoted *passim* in the texts dealing with the relevant penalties, to the embarrassment of Victorian scholars [SBE XVII 397 sqq.]), as opposed to offences which do not share it (*nānā-vatthuka*); *sabhāga* and *vi-sabhāga* are therefore syn. resp. with *tabbhāgiya* and *aññabhbāgiya* (Vin III 168,20-34). *Nānā-vatthuka* offences — all from the Samgh. class — are listed at Sp 1184,6-13, according to which they entail a *missaka-samodhāna* probation (see above, § 3 b). These latter offences are called *asamāpatti* in the Skt. Mū parallel (MSV(D) III 87,15-88,9; cf. Guṇ-VinSū 104,16).

According to Sp 1191,4-5, *vavatthita*, “belonging to one and the same, separate kind”, and *sambhinna*, “mixed [within the same Samgh. class]”, are just another way of explaining *sabhāga/visabhāga*.

“Name” (*nāma*) refers either to that of the class (Samgh.) to which the offences belong (*sajāti-sādhāraṇa*) or to the generic name (*sabba-sādhāraṇa*) *āpatti*, “offence”. As shown by the examples given at Kkh 50,1-8, these minute distinctions reflect the importance attached to the precision of the guilty monk’s formal statement when applying for the relevant penalty before the chapter which is to control all proceedings from beginning to end: although no fixed set of formulae is required, this statement is to proceed on the above lines, in any combination that makes the case clear enough for determining the accurate penalty (cf. Skt. (Mū) Guṇ-VinSū 102,21 *nāmagotrōpasamhitam āpattitvāt kīrtanam*).

<sup>45</sup> Vin II 7,17-9,27; see SBE XVII 343, n. 1, 384 n. 1.

<sup>46</sup> According to Sp 1191,7-9, *missaka* designates a Samgh. offence whose commission may happen to include the Thull., Dukk. and Dubbh. offences of Vibhāṅga casuistry (all connected with one and the same fact: Vjb (B<sup>c</sup> 1960)

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relevant rule during the recitation of the Pātimokkha<sup>47</sup>, (ii) or if they commit a mixed offence and either think so, or think it is a Saṅgh., the one who concealed his own is to be charged with a Dukk. and granted probation; *mānatta* applies to both. If they commit an unmixed offence and think it is a Saṅgh., the one who concealed his own should be charged with a Dukk.; both should be dealt with according to the offence<sup>48</sup>.

514,19 *eka-vatthumhi*) resulting in a Saṅgh. offence (cf. SVTT II n. 21), as opposed to *suddhaka*, “unmixed”, i.e., an offence that belongs to the “light” (*lahuka*) class, excluding the Saṅgh. (and Pār.) ones, which are considered as “heavy” (*garuka*).

<sup>47</sup> Presumably *bona fide*, when the exceptions to the Thv(M) 73rd [bhu] Pāc. apply. According to this latter rule, a Pāc. is incurred by any monk/nun who pleads not guilty by simulating ignorance of the Pātim. rules, although he/she did attend several times at their complete, fortnightly recitation (Vin IV 144,8-145,30 with Kkh 129,17-37 ≠ Sp 876,31-877,13; n°151 [bhi]. — Cf. UpāliPr(SR) 90, n°85. — Conc.: BhiPr 59, table IV.1 s.v. *śikṣāpada- dravyatāvayavacārah*). As far as can be seen, there are no cross-references to this point in the Cullavagga, in the Vibhaṅga, in Kkh, or in Sp — unlike the Skt. Mū parallel (MSV(D) III 63,2-7 ≠ [badly reconstructed] PrMoSū(Mū)<sub>2</sub> 44,3-8). Besides, it is not clear to me why both the Cullavagga and MSV(D) III 79,3-13 (reading *duskrta* for ed. *dusṭhulā* throughout: GBM(FacEd) X.6, 926 [207,°2-4]) mention two monks just here, when a single one would have done as well to exemplify dispositions whose principles entirely conform to those set forth in the preceding and following passages.

<sup>48</sup> Any monk who deliberately conceals from monks a Saṅgh. offence (*dutthullā āpatti*, “major offence”, refers usually to both Pār. and Saṅgh. [Vin IV 128,1-2'], but here to the latter only [Kkh 124,35 ≠ Sp 866,14-15]; cf. the last part of this n.), committed by another incurs a Pāc. offence, unless revealing it would lead to a split in the community (*saṅgha-bheda*), or endanger the physical or spiritual life of its members; or if informing a regular monk is impossible, if the offence is evident *per se*, if one does not mean to conceal it, or is out of one's senses, or is the first to do so (Thv(M) n° 64, Vin IV 127,2-128,32 with Kkh 124,35-125,18 ≠ Sp 866,13-867,2. — Cf. UpāliPr(SR) 78, n°52. — Conc.: BhiPr 58, table IV.1 s.v. *dusṭhulāpratīcchādanam*). In Mā, Mā, and Thv(M) schools, this rule does not apply to nuns (see BhiPr ib.), although a similar one provides, in all known schools, that any nun who conceals the Pār. offence committed by another incurs

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6. Whether or not simple or combined *mānatta* is preceded by simple or combined probation, the monk who observes it until the end (*cinnamānatta*) is said to be “fit for re-admission” (*abbhānāraha*), and expected as such to observe the same restrictions as monks on probation<sup>49</sup>, until re-admission (*abbhāna*, n. < ā-hvayati, “recalls”) as a fully regular monk is granted to him. He is to make a threefold request for this purpose, before a regular chapter numbering twenty monks at

a Pār. (Thv n°2, Vin IV 216,2-217,35 with Kkh 158,24-34 ≠ Sp 903,5-21. — Conc.: BhiPr 53, table I s.v. *vajjapaticchādikā*. The close relationship between these two rules is borne out by their casuistic commentary [Vin IV 128,16-22 = 217,29-35], by Kkh and Sp's commentaries to the latter, and by the brother- [Vin IV 127,5 *bhātuno*] / sisterhood relationship of their respective protagonists [see BhiPr 24-25]).

A twin rule states that unless the order carries out a formal agreement (*sammuti*) for the purpose of informing lay people, any monk/nun who informs someone unordained about the Saṅgh. offence committed by another incurs a Pāc., except if one reveals only the fact (*vatthu*), or only the specific offence (*āpatti*) entailed, or is out of one's senses, or is the first one to do so (Thv(M) n°9 [bhu], Vin IV 30,24-32,19 with Kkh 86,28-87,8, Sp 753,5-754,29; n°105 [bhi]. — Cf. UpāliPr(SR) 62, n°8. — Conc.: BhiPr 57, table IV.1 s.v. *dusṭhulārocanam*). The formal agreement may bear either on a definite number of offences (*āpatti-pariyanta*; see above, n. 40), or on a definite number of lay people to be informed, or on both; according to Kkh 86,30-33, Sp 754,10, it is an arrangement (*katikā*) to be carried out by a formal consultation (*apalokanā*) of the chapter (see SVTT I § 3 a and n. 14). In this rule also, Saṅgh. offences are referred to by the term *dutthullā āpatti* (Vin IV 31,17-18' = 128,1-2'; see Kkh 86,28-30, Sp 753,5-8). According to Sp 753,15-754,4, although one might argue that revealing to laymen the Pār. offence committed by another is also a Pāc. (because it amounts to disparaging [*omasa-vāda*, first Pāc.] the latter monk; cf. Vin IV 9,8-14), one should rather follow the criteria set by *attakathā* specialists, who know what the Buddha meant (cf. Sp 2,27-3,4\*). Agreement to inform laymen about a monk's offence is meant neither to disparage the latter, nor to hold back the *sāsana* on his account, but for his own improvement; it is therefore irrelevant to those guilty of a Pār., who incur immediate expulsion together with loss of their status as monks.

<sup>49</sup> Vin II 36,29-37,12; cf. above, n. 12.

least; the latter will then carry out a fourfold procedure whereby re-admission will become effective<sup>50</sup>.

**BHS** *āhvayana*, n. (< *ā-hvayati*, “recalls”; cf. Sp 630,3 *a-vhātabba*-): BhiVin(Mā-L) 17,17, 63,2 sq., 163,26; Prakīrṇ(Mā-L) 328,7.

*āhvayana-pratibaddha*, m(fn)., “liable to re-admission” (corresp. to Pā. *abbhānāraha*): BhiVin(Mā-L) 163,26; PrMoSū(Mā-L) 12,11.

**Skt.** (all forms < *ābr(m)hati/āvr(m)hati* [cf. BHSD s.v. *ābrhati*, *āvarhati*], “extracts, draws out [the offence together with the completed penalty]”)<sup>51</sup>

*ābarhana*, n.: (Mū) Guṇ-VinSū 100,20, 102,2.

(Sa) *an-ābr̥nhita*-: PrMoSū 212 (DDa, v°4). — *ābr̥nhitavya*-: PrMoSū 231 (FCc, v°4). — *an-ābr̥hita*-: Finot 488,3; PrMoSū 244 (GP, r°2). — *ābr̥hitavya*-: PrMoSū 5 (AAD, v°5), 244 (GP, r°1). — *ābr̥hyāt*-: PrMoSū 133 (BLI, v°3). — *ābr̥hyāt*: Finot 488,2; PrMoSū

<sup>50</sup> Vin III 186,16-20 with Sp 629,30-630,7 ≠ Kkh 51,24-35; Vin II 39,15-40,16 (cf. 42,20-43,10, 46,34-48,13, 51,1-15) with Sp 1173,1-13. According to the latter, a monk who was allowed to postpone *mānatta* on account of some duty (and is now considered as regular) at the very end of the six prescribed days should be made to resume his observance, thereby shifting from the status of a regular monk to that of one who is “fit for re-admission”. Cf. above, n. 18, n. 27. In the Skt. Mū parallel, elaborate censure of, then encouragements to, the monk are inserted resp. after the motion has been put, and at the very end of the re-admission procedure (MSV(D) III 53,11-55,2 ≠ 57,10-58,18).

<sup>51</sup> Although well aware that listing *-b-* and *-v-* forms separately is hardly helpful as far as the study of comparative Vinaya lexicography is concerned, I record here, for the mere sake of convenience, what I read in printed editions, however fluctuating (Guṇ-VinSū, Mvy) the latter may be; the task of assessing the validity of such a distinction must be left aside for the time being. Due to the relative scarcity of occurrences of *ābarhana/āvarhana*, references to both these key-words, and to connected verbal forms in relevant texts, are listed here.

244 (GP, r°1). — *ābrahitavya*-: Finot 488,1; PrMoSū 133 (BLI, r°2). — (unid.sch.) *ābr̥hati*: SHT(V) 116 (1121, B4).

*āvarhana*, n.: (Mū) Guṇ-VinSū 102,22,30; MSV(D) II 203,16 sq., III 51,9, 53,4; Mvy 8656 (= Mvy(M) 265,18 *ābarhana*). — *āvarhana-pratibaddha*, m(fn). (cf. above, BHS): (Mū) PrMoSū(Mū) 22,1.

*āvrahaṇa* (for *āvarhana*), n.: (Sa) Hoernle, MR 12 (3.2).

(Mū) *an-āvṛ̥ida*-: PrMoSū(Mū) 22,3. — *āvṛ̥dha*-: MSV(D) III 74,6,16, 75,10,20 sq. — *āvarhita*-: MSV(D) III 57,4, 58,18. — *āvarhitavya*-: MSV(D) III 49,17, 88,9; PrMoSū(Mū) 22,2. — *āvarhet*: MSV(D) III 53,10; PrMoSū(Mū) 22,3.

7. The *mānatta* penalty applying to nuns who have committed a Samgh. offence is the object of the fifth “important rule” among the eight they are expected to stick to all life long<sup>52</sup>. It is to be observed during one

<sup>52</sup> Vin II 255,16-17 (quoted IV 52,26-28) *garu-dhammaṁ ajjhāpannāya bhikkhuniya ubhato-samghe pakkhamānattam caritabbaṁ*. I hope to have shown (Nolot, Règles 401-404; English summary *ib.* 535-536) that the term *garu-dhamma*, “important rule”, that gives its generic name to this as well as to the seven other rules, should not be confused with the homonymous *garu-dhamma* occurring in the text of the fifth one quoted here, where it is syn. with *garukā āpatti* (cf. above, n. 46), and means “heavy offence”, referring here to the Samgh. (this is taken for granted by Buddhaghosa, who deals with the *mānatta* applying to nuns together with other forms of the same penalty, at the very beginning of his commentary of the Cullavagga's Samuccaya-kkhandha: the fifth “important rule” is quoted fully — as above — at 1184,29-30; the guilty nun's application for *mānatta* is then exemplified at 1185,7-24 with *gāmantaram*, a key-word of the third Thv(M) [bhi] Samgh. [Vin IV 227,20-228,7, 230,4-9',22-25]). Unlike the seven others, this “important rule” is, in all known schools, logically unparalleled in the Pāc. section of their Vibhaṅga-s (see chart in Nolot, *ib.* 399-400): dispositions about Pāc. offences — all of which are classified as “light” — cannot include dispositions about the Samgh. ones — all of which are classified as “heavy”. The latter are dealt with extensively in texts of the Khandhaka or Kammavācā type (cf. SVTT I n. 29), like all those whose redress implies procedures (*tajjaniya-kamma*, etc.; cf. SVTT II n. 60), and referred to briefly at the end of the Samgh. section of each respective Pātim. (Thv(M) [bhu]: refs.

fortnight (*pakkha-mānatta*), no matter whether the nun concealed her offence or not<sup>53</sup>. According to Kkh 166,24-168,13 ≠ Sp 1184,26-1188,15, the nun who did so incurs a Dukk.; whatever the case, *mānatta* should be applied for and granted through the same procedure — carried out by a nuns' chapter — as applies to monks (see above, § 1). The formal undertaking of this penalty, then its observance (with provisions for temporary postponement [§ 1 a above], and for sending recidivist nuns back to the beginning of *mānatta* [§ 3 a]) are however to be announced, then reported on daily, before both a monks' and a nuns' chapter of at least four persons each; the nun's female preceptor or instructor is to go and request respected monks, who may not refuse, to come for the purpose. Furthermore, since no nun is allowed to live alone, a regular nun should be appointed as her companion, by a twofold procedure<sup>54</sup>.

The procedure of re-admission is formally identical with that applying to monks; it should be carried out by a nuns' chapter<sup>55</sup>.

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above, n. 3; [bhi]: Vin IV 242,13-15 with Kkh 166,24-168,13). There is here therefore no contradiction at all, either in the wording of or in the dispositions concerning this rule, contrary to what is stated by Hüskens, Einrichtung 159-160 (cf. Gombrich's review of Bechert Festg. [forthcoming]).

<sup>53</sup> Refs. as above, end of n. 52; cf. Sp 1395,3-9 *ad* Vin V 219,23\*.

<sup>54</sup> Vin II 279,17-25; Sp 1188,8-11; cf. third Thv(M) [bhi] Samgh., Vin IV 228,31-229,21, 230,15-17',22-25.

<sup>55</sup> Vin IV 242,15-19 (= III 186,16-20) with Kkh 168,12-14; Sp 1188, 11-12 (E<sup>e</sup> *bhikkhu-samghe* is most probably a mistake; C<sup>e</sup> (SHB 1948) 879,31, and Bp.: *bhikkhuṇi-*°, -ni-°; Kkh E<sup>e</sup> 168,12 and C<sup>e</sup> (SHB 1930) 169,24-25: *bhikkhuṇi-samgho*, no recorded v.l.; Sp E<sup>e</sup> 277,9,25 and C<sup>e</sup> 199,13,28 *bhikkhunihi*, no recorded v.l.).

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v.Hi., SP: O. von Hinüber, *Selected Papers on Pāli Studies.* Oxford, PTS, 1994.

#### OTHER ABBREVIATIONS

[bhi]: relevant Thv(M) Pātim. rule applying to nuns (with rule number according to M. Wijayaratna, *Les moniales bouddhistes. Naissance et développement du monachisme féminin*, Paris, Cerf, 1991, 171-195).

[bhu]: relevant Thv(M) Pātim. rule applying to monks.

Conc.: concordance of rule number according to school.

Dubbh.: *dubbhāsita* and variants.

Dukk.: *dukkha* and variants.

NP : *nissaggiya-pācittiya* and variants.

Pāc.: *pācittiya* and variants.

Pār.: *pārājika* and variants.

Pātiḍ.: *pātiḍesaniya* and variants.

Po-v: *Posadha-vastu*.

r°: recto.

Samgh.: *saṃghādiseśa* and variants.

Sekh.: *sekhiya* and variants.

Thull.: *thullaccaya* and variants.

Thv(M): Theravādin (Mahāvihārin).

unid.sch.: unidentified school.

v°: verso.

\*

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*hetu*: II n. 13, n. 24.

**BHS / SKT.**

*adhikaraṇatā*: II § 1.  
*adhikaraṇa-śamatha dharma*: II § 1; °-*samcāraka*: II § 2b.ii; n. 48.  
*anavavādāna*: II n. 14.  
*anavavādādhikaraṇa*, °-*prasthāpanā*, °-*viśṭhāpanā*: II § 1; n. 14.  
*anāghāta-pañcama*: I n. 36.

*anu-śrāvaṇā*: I § 5; n. 29, 30.  
*anu-śrāvay-*: I n. 30.  
*anovāda*: II § 1; n. 14.  
*amūḍha-vinaya*: II § 2c.  
*amūlakam*: II n. 22.  
*avalokanā*: I § 3 a.  
*a-vastuka, sa-v°*: I § 7.  
*ādhi-karaṇika*: II § 1.  
*āpatti*: -°*adhikarāṇa*: II § 1; *antara*-°: III § 3b; (a)*parimāṇavatī* ā°: III n. 34; *asama*-°: III n. 44; *nāma-gotrōpasaṁhitā* ā°: III n. 44; *pūrva*-°: III § 3b; *pratyantara*-°: III § 3b.  
*ābarhaṇa*: III § 6; n. 51.  
*ābr(m)hati*: III § 6.  
*āvarhaṇa, āvrahaṇa*: III § 6; n. 51.  
*āhvayati*: III § 6.  
*āhvāyana*: III § 6.  
*āvr(m)hati*: III § 6.  
*upa-saṁpadā*: I § 2.  
*ovaśikāye*: I n. 26.  
*ovāyikā*: I § 4; n. 26.  
*karma-kāraka*: I § 6.  
*karman*: I § 3, 5; n. 18, 31, 36.  
*karma-vācanā*: I § 5; n. 29.  
*kṛtyādhikarāṇa*: II § 1.  
*(a-)kopya*: I § 7.  
*kriyā, k°-kāra*: I n. 17.  
*khoṭanam*: II n. 9.  
*codayati*: II n. 45.  
*chandapratyuddhāra*: I n. 6.  
*channa*: II § 2b.iii.  
*jñapti*: I § 3 b, 4; n. 16-18, 30.  
*jñapti-karman*: I § 3 b.

*jñapti-kāraka*: I § 6.  
*jñapticaturtha karma(n)*: I § 3 d; n. 17, 18, 20, 21.  
*jñaptidvitīya-karma(n)*: I § 3 c; n. 17.  
*tat-prabhāvaiṣiyatva*: II § 2c.  
*tat-svabhāvānveśika, °-esiya*, and variants: II § 2c.  
*tasya pāpeyasika*: II § 2c.  
*tūṣṇīm viprakramaṇam*: I n. 7.  
*trna-prastāraka*: II § 2d.  
*(a-)dharma-karma*: I § 7; n. 41.  
*duṣkṛtā āpatti*: III n. 19; n. 47.  
*duṣṭhulā āpatti*: III n. 19; n. 47; °-ārocana: III n. 48; °-praticchādāna: III n. 48.  
*dhārmika*: I § 7.  
*parivāsa*: III § 2, 3b; *mūla*-° III § 3b; *mūlāpakarṣa*-°: III § 3b; *śuddhāntika* p°: III § 3d.  
*pārivāsika*: III § 3b.  
*pratijñā-karaṇīya, °-kāraka, pratijñāna*: II § 2d.  
*prātimokṣa*: II § 2b.ii; n. 49.  
*bhikṣu, bhikṣuṇī*: I § 6.  
*mātrkā-dhara*: II § 2b.ii; n. 50.  
*mānatva*: III § 1; n. 6.  
*mānāpya*: III § 1; n. 6, 9; *mūla*-°: III § 3b; *mūlāpakarṣa*-°: § 3b.  
*muktikā jñapti*: I § 3b; n. 18.  
*mūlōpakramatva*: III n. 37.  
*metha(?)ka karma*: I n. 18.  
*meṣakena ājñāpay-*: I n. 18.  
*yad-bhūyasikīya* and variants: II § 2b.iii.  
*yo-bhūyasika*: II § 2b.iii.  
*laiśika*: II n. 22.  
*varga*: I n. 8.  
*vinaya-dhara*: II § 2b.ii; n. 50.  
*vivādādhikarāṇa*: II § 1.

*vyagra*: I n. 8.

*vācanā*: I § 5.

*vinaya-karma*: I n. 41.

*vivṛta*: II § 2b.iii.

*vyūḍha, vyūḍhaka*: II § 2b.ii; n. 37.

*śamatha*: II § 1.

*śalākā-grahana, °-cāraka, °-cārana*: II § 2b.iii.

*śikṣāpadadravyatā-vyavacārah*: III n. 47.

*sakarna-tuntunaka*: II § 2b.iii.

*saṅgha*: I § 1; II n. 49; *°-karaṇīya*: I § 7; *°-karma*: I § 3; *°-bheda*: II § 1a; *māla-°* II n. 41.

*saṅghādisesa*: I § 3 d; n. 1.

*saṅghāvaśesa*: III n. 6.

*saṃmukha*: *dharma-°, pudgala-°, saṅgha-°*: II n. 29; *°-karaṇīya, °-vinaya*: II § 2a.

*saṃatha*: II § 1.

*samanu-śrāvay-*: I n. 30.

*sarvasāṃghika*: II § 2b.iii.

*sa-vastuka, a-v°*: I § 7.

*sīmā*: I § 1; n. 4; II n. 37.

*sūtra-dhara*: II § 2b.ii; n. 50.

*sthalaṣṭha*: I n. 41; II § 2b.ii; n. 45.

*sthavira*: II § 2b.ii; n. 49.

*sthānārha*: I § 7; n. 36.

*(a-)sthāpanārha*: I § 7.

*(a-)sthāpanīya*: I § 7.

*sthūlātyaya*: II n. 62.

*sthūlārti(-gāmini)*: II n. 62; III n. 9.

*smṛti-vinaya*: II § 2c.

## The Sambuddhe verses and later Theravādin Buddhology\*

### 1. The *Sambuddhe* verses in Siam

A short verse text, entitled simply *Sambuddhe* or *Sambuddhe-gāthā*, is well known in Siam. In the *Royal Chanting Book*, it is one of the ancillary texts placed at the beginning of the *Seven Parittas* (*Sattaparitta*) — also known as the *Lesser Royal Paritta* (*Cularājaparitra*) or, in Thai, *Seven Protections* (*Jet Tamnan*) — and the *Twelve Parittas* (*Dvādasaparitta*), also known as the *Greater Royal Paritta* (*Mahārājaparitra*) or *Twelve Protections* (*Sipsong Tamnan*).<sup>1</sup> It is included in the various books of chants that are widely available, and in a Khmer script palm-leaf manuscript in the collection of the Siam Society.<sup>2</sup> Since the *Seven* and *Twelve Parittas* belong to the liturgy of the Siamese order of monks (*saṅgha*), the *Sambuddhe* verses are familiar to or known by heart by most monks and novices. Here I will give the Pāli of the *Royal Chanting Book*, followed by an English translation.

\* This is a revised version of an article first published in the *Journal of the Secretarial Office of H.H. the Supreme Patriarch*, Bangkok, Vol. I, No. 2, January–March 2536 [1993], pp. 73–85.

<sup>1</sup> *Suat mant chabap luang*, 13th ed., Bangkok, 2526 [1983], pp. 3–4 and 32–33, respectively (the second occurrence is abbreviated). For the interpretation of *tamnan* as “protection” I follow Dhanit Yupo, who derives the word from the Pāli *tāna*, changed to *tamnā* and then to *tamnān*: see his *Anuphap phraparit* [*The Power of Paritta*, in Thai], Bangkok, n.d., p. 12.

<sup>2</sup> Oskar von Hinüber, “The Pāli Manuscripts Kept at the Siam Society, Bangkok: A Short Catalogue”, *Journal of the Siam Society* 75 (1987), § 52a, p. 46. The text given by von Hinüber, which might date to the latter part of the 19th century, agrees with that of the *Royal Chanting Book*, with a few minor orthographical variants and misprints.